

U.S. Department of Labor
Employment and Training Administration
OFFICE OF FOREIGN LABOR CERTIFICATION
2015 H-2B Interim Final Rule FAQs

Round 16: Foreign Labor Recruiter List

1. What is the Foreign Labor Recruiter List?

The Office of Foreign Labor Certification (OFLC) compiles a list of people and entities that employers have indicated that they engage or plan to engage to carry out the recruitment of prospective H-2B workers (“foreign labor recruiters”). See 20 CFR 655.9. This publicly available list contains the names and geographic locations (city, state, country, as applicable) of all foreign labor recruiters that employers disclose in the H-2B temporary labor certification process, including the names and geographic location of persons or entities working for the recruiters.

Note: The Department does not endorse or vouch for any foreign labor agent or recruiter included in the Foreign Labor Recruiter List, nor does inclusion on this list signify that the recruiter is in compliance with the H-2B program. The list is simply a list of current recruiters being used by employers in the H-2B program that are disclosed pursuant to the regulation to the Department.

2. Why is the Department compiling a list of agents and recruiters employers engage or plan to engage in the recruitment of prospective H-2B workers and publishing this Foreign Labor Recruiter List?

The 2015 H-2B Interim Final Rule (IFR) at 20 CFR 655.9(c) requires the Department to make publicly available a list of foreign labor recruiters that employers engage or plan to engage in the recruitment of H-2B workers.

As discussed in the preamble to the 2015 H-2B IFR, by maintaining and publishing a list of foreign labor recruiters, the Department is better poised to enforce recruitment violations, and workers are better protected against fraudulent recruiting schemes by enabling them to verify whether a recruiter is in fact recruiting for legitimate H-2B job opportunities in the United States. In addition, a list of foreign labor recruiters will facilitate information sharing between the Department of Labor, the Department of Homeland Security and the public,

and assist the Departments, other agencies, workers, and community and worker advocates to better understand the roles of recruiters and their agents in the recruitment chain and permit a closer examination of applications or certifications involving recruiters who may be engaged in improper behavior. Information about the identity of foreign labor recruiters employers engage or plan to engage to recruit for specific job opportunities will also assist DOL in more appropriately directing its audits and investigations. In turn, strengthening enforcement of recruitment abuses also ensures that compliant U.S. employers are not undercut by unscrupulous employers, such as those who pass on fees to workers. See 80 FR 24042, 24057 (Apr. 29, 2015).

3. Where does the Department obtain the data for the Foreign Labor Recruiter List?

When filing a Form ETA-9142B, *H-2B Application for Temporary Employment Certification*, employers and their attorneys and agents must provide copies of all agreements with any foreign labor agent or recruiter they have engaged, or whom they plan to engage, in the recruitment of H-2B workers. The Department will not make the agreements public unless required by law. OFLC obtains the identities and geographic locations of the foreign labor agents and recruiters from the agreements for public disclosure, as required by 20 CFR 655.9(c). Employers and their attorneys and agents must also disclose the identities and locations of all persons and entities hired by or working for the foreign labor recruiter or agent as well as any of the agents or employees working for those persons and entities (i.e. the secondary recruiters) in the recruitment of prospective H-2B workers.

This information, obtained from H-2B applications, provides the data for the Foreign Labor Recruiter List. Together with the identity and geographic location data for each foreign labor recruiter disclosed, the Foreign Labor Recruiter List identifies the last six digits of the Chicago National Processing Center case number associated with the Form(s) ETA-9142B in which an employer identified the foreign labor recruiter. The six digit number can be used to look up the H-2B Job Order and *Application for Temporary Employment Certification* in the H-2B Public Job Registry located at <https://icert.doleta.gov/index.cfm?event=ehLCJRExternal.dspQuickJobOrderSearch> by entering the number into the “ETA Case Number” field, selecting “H-2B” in the “Case Type” field and clicking the “Search” button.

4. How often will the Department update the Foreign Labor Recruiter List?

The Department will update the Foreign Labor Recruiter List on a quarterly basis. OFLC will post an announcement on its Web site at <https://www.foreignlaborcert.doleta.gov/> when updates are available. In addition to checking the OFLC Web site for announcements and updates, we encourage you to subscribe to OFLC Web site updates to receive alerts and notifications.