



iCERT Visa Portal System Implementation of Electronic Filing in the H-2A Program

December 2012

Office of Foreign Labor Certification
Employment and Training Administration
U.S. Department of Labor



Electronic Filing in the H-2A Program



- **iCERT Visa Portal System**

- Background
- Major benefits and features
- Impact on H-2A process
- Implementation schedule and helpful resources

- **Technical Demonstration**

Part I

- Creating an iCERT Account
- Managing Sub-Account Users
- Modifying Account Profiles
- Understanding Your Visa Portfolio

Part II

- Preparing the ETA Form 9142
- Uploading Scanned Documents
- Final Submission Steps
- Post Submission Functions



iCERT Visa Portal System

Background

- As part of the Department's E-Government initiative, OFLC implemented the iCERT System on April 15, 2009
- The iCERT System is web-based and designed as an integrated business solution for filing and tracking applications across all OFLC administered programs
 - Receives and processes more than 450,000 customer applications annually
- On September 28th, the Department published a Federal Register Notice announcing the availability of electronic filing for H-2B and H-2A visa programs through the iCERT System
- On October 15th, the Department implemented electronic filing in the H-2B program
- **Electronic filing in the H-2A program is scheduled for December 10th**



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Major Benefits and Features

- The iCERT System is a "Government-to-Business (G²B)" solution designed to offer the following benefits:
 1. Enhance accessibility and quality of visa program services
 2. Reduce data collection and reporting burden on employers
 3. Facilitate more streamlined business processes
 4. Establish a greater level of transparency in the adjudicatory decisions issued by the OFLC



MOVE FROM ...
A Paper-Based, Manual
H-2A Determination
Process

MOVE TO ...
An Electronic, Account-
Based, Responsive H-2A
Certification Process



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iCERT Visa Portal System

Feature: Single Point-of-Entry to Visa Services

- Customers establish a single iCERT portal account
- Valid e-mail address serves as username for the account
- Account profile information can be updated anytime 24/7
- Create sub-account users and manage security privileges
- Prepare, submit and track all visa applications and prevailing wage requests through a “one-stop” portfolio summary

iCERT Visa Portal System

Feature: Streamlined Form Preparation

- Uses customer account and other profile information to pre-populate sections of the ETA Form 9142; associations can pre-populate based on multiple employer-member profiles
- Browser-level data validation edits provide immediate feedback to correct any inadvertent errors/mistakes
- Data entry “reuse” function reduces customer reporting to support recurring seasonal workforce needs
- Customers can upload supporting documentation for an application (MS Word, Adobe PDF, text formats)

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Feature: Electronic Notifications and Correspondence



- iCERT Account tracks the status of all customer applications
- E-mail notifications are sent to the customer at different points in the business process (e.g., submission of application)
- OFLC's Chicago National Processing Center (NPC) can communicate with customers via e-mail or letter correspondence to ensure timely notification and case processing
- When a request is submitted from an Attorney/Agent account, iCERT sends a notification to all employer accounts matching the Federal Employer Identification Number (FEIN) on the ETA Form 9142
- Customers can check the status of applications anytime by accessing their iCERT accounts or using the "iCERT Case Status Check" function on the public iCERT home page



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Impact on H-2A Process



- Application Filing Requirements
 - Regulatory timeframes for filing remain unchanged
 - ETA Form 9142 bearing original signature(s) is **no longer required** for electronically filed applications
 - Employers or their authorized representatives must upload a copy of the signed and dated Appendix A.2 and job order (ETA Form 790), submitted to the SWA serving the area of intended employment, prior to submission (*using Adobe PDF*)
 - Employers filing **less than 45 days before the date of need** must also upload a statement justifying a waiver of the filing time period requirement

Important Note(s):

- ✓ Employers or their authorized representatives electing to **NOT** file electronically must file using the traditional paper-based method
- ✓ Data from paper applications will be fully entered into the internal iCERT System by the Chicago NPC and processed electronically



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iCERT Visa Portal System

Impact on H-2A Process



- Supporting Documentation
 - Employers are still required to provide all necessary documentation supporting the H-2A application *at the time of filing*
 - Prior to submission, the iCERT System accepts electronic documentation in Adobe PDF, Microsoft Word, or Text file formats
 - Once the application is submitted, no additional documents can be uploaded by the external iCERT account holder
 - All documents requiring signature and dating must be scanned and uploaded using Adobe PDF (e.g., Appendix A.2, ETA 790)

Important Note(s):

- ✓ Additional information or documentation required by the Chicago NPC during case processing (e.g., proof of workers compensation) should be submitted in a manner identified by the Chicago NPC, which may include mail, e-mail or fax



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Impact on H-2A Process



- Special Requirements for H-2ALCs
 - Other Supporting Documents
 - Upload documentation required by 20 C.F.R. 655.132 (e.g., names and work locations of all fixed-site agricultural businesses, copies of fully executed work contracts with each fixed-site agricultural business, FLC/FLCE Certificates of Registration, etc.)
 - Surety Bond
 - Requirement to submit an **original surety bond** specific to the H-2A application remains unchanged
 - Employer may (not required) upload a copy of the original surety bond prior to submitting the application
 - However, the employer must send the original surety bond by mail or commercial courier to the Chicago NPC before a labor certification decision can be issued



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Impact on H-2A Process



IMPORTANT REMINDERS!

- Prior to electronic submission, preview all data entered on the ETA Form 9142, and uploaded supporting documents, for completeness and accuracy
- Duplicate applications, where the employer or authorized representative files electronically and submits that same application via U.S. mail, will be rejected
- The Chicago NPC will only process the first application received and return the second application to the employer or authorized representative
- For electronically filed applications, please keep a copy of the iCERT confirmation message and/or e-mail received from the Department as proof of submission



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Sample Confirmation Page: H-2A Application



iCERT Portal Welcome, FIRST NAME S EMPLOYER S (logout)

Home | LCA | H-2A | My Account & Profiles | Forms & Instructions Contact Us | Help

Form 9142 Form Review - Case H-300-12324-512133 (STATUS)

The below referenced ETA Form 9142 data entry form has been submitted for further processing by the U.S. Department of Labor. PLEASE PRINT THIS CONFIRMATION MESSAGE AND ATTACH TO THE H-2A APPLICATION PACKAGE.

H-2A Application Submitted - Confirmation	
Case Number:	H-300-12324-512133
Employer Name:	SAFETY FIVE
Number of Employers:	1
Trade Name / DBA:	
Employer Contact:	BREES WALKER
Agent/Attorney Business:	FARMER & ASSOCIATES, LLC
Application Type:	Individual Employer
Start Date of Need:	07/15/2013
End Date of Need:	10/31/2013
Workers Requested:	100
Job Title:	Farmworkers and Laborers
Case Submitted Date:	11/20/2013

This is an official confirmation that the above referenced ETA Form 9142 and other supporting information/documentation requesting temporary labor certification under the H-2A visa program has been received and submitted for processing by the Office of Foreign Labor Certification, Employment and Training Administration (DOLC-ETA).

In a few minutes, you should also receive a courtesy email acknowledging receipt of your H-2a application package. The DOLC Chicago National Processing Center (NPC) will use the e-mail addresses of the employer contact and, if available, the employer's authorized attorney or agent's to more efficiently correspond with you on courtesy receipt notification, notices of deficiencies, and any other information concerning the status of your H-2a application.

If you did not provide an e-mail address on the ETA Form 9142, then we strongly recommend you print a copy of this confirmation page for your records. This H-2A application will now be listed on the portfolio summary in your iCERT portal account where you can check the status at anytime.

Important Notice: In accordance with 20 CFR 653.140-143, the DOLC Chicago NPC will promptly review your application and provide written notification to you within 15 calendar days if your application can be accepted for further processing.

If you have any questions about the processing or status of your H-2A application, you may also contact the DOLC Chicago NPC at TLC.Chicago@DOL.gov. Thank you.



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Impact on H-2A Process

- Receiving an Approved Temporary Labor Certification
 - For all H-2A applications received on or after December 10, 2012, the Chicago NPC will send an original certified ETA Form 9142 and Appendix A.2 on special security paper from the Treasury
 - Upon receipt, the employer and, if applicable, the authorized representative must **sign and date** the Appendix A.2 and provide the ETA Form 9142 in original directly to USCIS
 - A certified ETA Form 9142 is valid when it contains . . .
 - A completed Section K
 - Bears the electronic signature of the OFLC Administrator (William L. Carlson)
 - A completed “For Department of Labor Use Only” footer on each page identifying the iCERT case number, determination status, and validity period

Important Note:

- ✓ Final determinations will continue to be issued in accordance with statutory/regulatory timeframes, i.e. no later than 30 calendar days before the date of need except for H-2A applications that required modification or otherwise did not meet the criteria for certification



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Implementation Schedule

- iCERT H-2A Module will be implemented on **December 10, 2012**
 - Employers, including agricultural associations, or authorized representatives with iCERT accounts will be able to prepare and submit H-2A applications electronically on this date
 - Applications submitted before December 10, 2012
 - Will be received and processed by the Chicago NPC using the current paper-based method
 - Will receive a certified ETA Form 9142 and Appendix A.2 in the currently established manner where the granting of temporary labor certification is issued



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Helpful Resources



- Next Webinar: **November 29th**
- For more resources and information, please visit our iCERT electronic filing implementation web page at:
http://www.foreignlaborcert.doleta.gov/h2ah2b_icert_rollout.cfm
- Helpdesk Resources:

Please send H-2A program-related questions to the Chicago NPC Help Desk Team at TLC.Chicago@dol.gov

Please send technical problems or other issues related to the creation and maintenance of iCERT System accounts and electronic filing to the iCERT System Help Desk Team at oflc.portal@dol.gov



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