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Immigration

Labor Department Announces H-2B Application Filing Timeline for 2021 Peak Filing Season

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

The Department of Labor's Office of Foreign Labor Certification (OFLC) reminded employers and other interested stakeholders on June 23, 2021, that the three-day filing window to submit an H-2B Application for Temporary Employment Certification (Form ETA-9142B and appendices) requesting a work start date of October 1, 2021, opened on July 3, 2021, at 12 a.m. ET and closed on July 5, 2021, at 11:59 p.m. ET. This three-day period was the earliest an employer could file an application for an October 1, 2021, work start date, which is the first day of the semiannual visa allotment for the first half of fiscal year 2022. OFLC said that employers seeking start dates of October 2, 2021, or later must comply with the timeliness requirements at 20 CFR § 655.15(b).

OFLC said that H-2B applications requesting an October 1, 2021, work start date will be denied if they are filed before the start date.

OFLC will randomly order for processing all H-2B applications requesting a work start date of October 1, 2021, that are filed during the three-day filing window using randomization procedures published in the Federal Register on March 4, 2019.

Details

- OFLC Notice (scroll down to "June 23, 2021. H-2B Application Filing Timelines for 2021 Peak Filing Season")
- "Selection Procedures for Reviewing Applications Filed by Employers Seeking Temporary Employment of H-2B Foreign Workers in the United States," Employment and Training Administration, March 4, 2019