

|   |  |
|---|--|
| <b>EMPLOYMENT AND TRAINING ADMINISTRATION<br/>ADVISORY SYSTEM<br/>U.S. DEPARTMENT OF LABOR<br/>Washington, D.C. 20210</b> | <b>CLASSIFICATION</b><br>H-2A Agricultural Program |
|   | <b>CORRESPONDENCE SYMBOL</b><br>OFLC               |
|   | <b>DATE</b><br>August 28, 2009                     |

**TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 11-07, Change 2**

**TO:** OFLC NATIONAL PROCESSING CENTER DIRECTORS  
STATE WORKFORCE AGENCY ADMINISTRATORS

**FROM:** JANE OATES /s/  
Assistant Secretary

**SUBJECT:** Rescission of TEGL No. 11-07, Change 1

1. **Purpose.** To rescind TEGL No. 11-07, Change 1 as it is no longer necessary with regard to the provision of clarifying procedures for State Workforce Agencies (SWAs) and Employment and Training Administration (ETA) National Processing Centers (NPCs) involved in the processing of H-2A labor certification applications for temporary agricultural employment of foreign workers in the United States (U.S.).
2. **References.** Immigration and Nationality Act (INA) section 101(a)(15)(H)(ii)(a); INA section 218; 20 Code of Federal Regulations (CFR) 651.10; 20 CFR Part 653 Subparts B and F; 20 CFR Part 654, Subpart E; 20 CFR Part 655, Subpart B; 20 CFR Part 658, Subpart F; Field Memorandum No. 16-00; Training and Employment Guidance Letter No. 31-01; General Administration Letter No. 1-02; Training and Employment Guidance Letter No. 11-07, Change 1.
3. **Background.** On December 18, 2008, the Department of Labor (Department) published a new regulation re-engineering the H-2A temporary agricultural workers program. The publication of the regulation made much of the TEGL either redundant to the regulation or unnecessary. Therefore the Department is rescinding TEGL 11-07, Change 1 in order to prevent any confusion on the part of the NPCs and SWAs on procedures related to the H-2A program.
4. **Effective Date.** This guidance applies to all H-2A labor certification applications pending with or received by the NPC and SWA on or after the date this TEGL is issued.
5. **Action Requested.** NPC Directors and SWA Administrators are directed to provide NPC, SWA and other State staff involved in the processing of H-2A applications with a copy of these procedures.
6. **Inquiries.** Questions from SWA staff should be directed to the Office of Foreign Labor Certification at (202) 693-3010.

|  |                                      |
|--|--------------------------------------|
| <b>RESCISSIONS</b><br>TEGL 11-07, Change 1 | <b>EXPIRATION DATE</b><br>Continuing |
|--|--------------------------------------|