

Foreign Labor Certification Program

Published on Virginia Employment Commission (<https://www.vec.virginia.gov>)

Foreign Labor Certification Program [1]

Employers requesting labor certification for the temporary or permanent employment of foreign workers are required to offer prevailing wages and working conditions for that particular occupation and to demonstrate that no similarly employed U.S. worker will be adversely affected.

Prevailing Wage Determinations

The Office of Foreign Labor Certification's (OFLC) Helpdesk Center processes Prevailing Wage Determination (PWD) requests for use in the H-1B, H-1B1, H-2B, E-3 and the permanent labor certification programs. The Department has posted Frequently Asked Questions (FAQs) that address the filing and processing of PWD requests at: <https://foreignlaborcert.doleta.gov/faqsanswers.cfm> [2].

ETA form 9141 is available at: <http://www.foreignlaborcert.doleta.gov/form.cfm> [3].

Requestors must submit PWD requests to:

U.S. Department of Labor
Employment and Training Administration
Prevailing Wage Center – Attn: PWD requests
1341 G Street, NW - Suite 201
Washington, D.C. 2005-3124

Permanent Employment Labor Certifications

ETA form 9089 for filing for a permanent labor certification and instructions are available at: <http://www.foreignlaborcert.doleta.gov/form.cfm> [3]

Applications must be filed directly with the U. S. Department of Labor at the address noted below.

U.S. Department of Labor
Employment and Training Administration
Atlanta Processing Center, Harris Tower
233 Peachtree Street - Suite 410
Atlanta Georgia 30303

Temporary Labor Certification (H-2B) Nonagricultural

The H-2B nonimmigrant program permits employers to hire foreign workers to come to the U.S. and perform temporary nonagricultural work, which may be (1) one-time, (2) seasonal, (3) peak load or (4) intermittent need. There is a 66,000 per year visa limit on the number of foreign workers who may receive H-2B status during each fiscal year (October 1 through September 30).

Employers filing applications for H-2B Non-Agricultural Temporary Labor Certification must file ETA Form 9141 for a prevailing wage determination with the National Prevailing Wage Center <https://www.dhs.gov/ncpwcc> and ETA Form 9142 and Appendix B, I for temporary labor certification with the U.S. Department of Labor. Please refer to the OFLC's website for the H-2B program: <https://www.dhs.gov/ncpwcc> [4].

In addition to filing with the Chicago National Processing Center, employers must also open a job order and register with the local area of intended employment. For more information, please refer to the H-2B program page.

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order being filed in connection with the [Virginia Workforce Connection](#) [5](VAWC) and enter the applicable job

For more information call Cindy Webb, Foreign Labor Certification Manager, at (540) 431-9296.

Source URL: <https://www.vec.virginia.gov/employers/post-a-job-or-find-a-candidate/foreign-labor-certification-program>

Links:

- [1] <https://www.vec.virginia.gov/employers/post-a-job-or-find-a-candidate/foreign-labor-certification-program>
- [2] <https://foreignlaborcert.doleta.gov/faqsanswers.cfm>
- [3] <http://www.foreignlaborcert.doleta.gov/form.cfm>
- [4] <https://www.dol.gov/agencies/eta/foreign-labor/programs/h-2b>
- [5] <http://www.vec.virginia.gov/virginia-workforce-connection#employer>

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