

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

**iCERT Implementation (H-2B and H-2A) Frequently Asked Questions, Round One
December 2012**

iCERT System - General

1. What is the iCERT System?

The iCERT Visa Portal System (iCERT System) at <http://icert.doleta.gov> is a customer-friendly Web-based filing and case management platform designed to improve access to program services across the foreign labor certification programs that the Office of Foreign Labor Certification administers.

2. Can I give others in my company permission to use iCERT to prepare and file applications?

Yes. After establishing an iCERT account, the primary account holder can create associate accounts allowing other authorized users to prepare Applications for Temporary Employment Certification (ETA Form 9142) (including uploading documentation supporting the application), submit the application, and monitor the status of the application electronically. The primary account holder may create associate accounts for authorized employees and representatives (i.e., agents or attorneys). The primary account holder can establish the level of access for each associate account to specify the types of case-specific activity the associate account holder can use. For more information on establishing security privileges, please consult the [iCERT Portal User Guide](#).

3. Is the use of an iCERT account limited to one user?

Yes. Each iCERT account is limited to a single user with a unique username and password. This applies to both master and associate accounts. For example, where a primary account holder establishes a separate associate account, that associate account holder must have a separate, unique username and password.

4. Can I establish an iCERT account before the electronic filing system for a specific foreign labor certification program is available in the iCERT System?

Employers and their authorized representatives who do not currently possess an iCERT account are encouraged to visit the iCERT System at <http://icert.doleta.gov> and begin the process of establishing an iCERT account and any appropriate associate or sub-account users, in anticipation of the expansion of the iCERT System.

NOTE: We are developing a specialized user account format to accommodate the complexity of agricultural associations. When this user account format is implemented,

on December 10, 2012, an agricultural association will be able to establish an iCERT account.

5. Can third party software tools that interface with the web-based forms made available by the Department of Labor (Department) be used to manage the filing of online applications?

The Department takes no position as to whether an employer can use third party software tools. However, it is important to remember that these third party tools were developed without the participation, review, or approval of the Department or the Office of Foreign Labor Certification. As such, the Department cannot vouch for the accuracy or integrity of data submitted using third party tools. It is the responsibility of the party using such tools to review the submitted application completely for accuracy and errors prior to submitting.

When making inquiries about situations encountered while submitting data to the iCERT Visa Portal System please let the [helpdesk](#) know that you are submitting information with the aid of a third party software application. In some situations, you may need to contact the developer of the third party system to resolve issues.

6. My e-mail server blocks certain e-mail addresses. What e-mail address will the Department use to send electronic communications to the employer about its application?

Please adjust the security settings/filters on your e-mail account to allow e-mails from OFLC.Portal@dol.gov. If your security settings/filters are not set properly, e-mails from the iCERT System may be undeliverable or routed to your Spam/Bulk Mail folder.

7. When will I be able to file my application electronically?

Beginning on October 15, 2012, employers or their authorized representatives filing in the H-2B program have been able to file their applications electronically through the iCERT System.

Beginning on December 10, 2012, employers or their authorized representatives filing in the H-2A program will be able to file their applications electronically through the iCERT System.

Establishing and Managing an iCERT Account

8. How do I establish an iCERT account to file an application on line?

In order to file a temporary labor certification application online, the employer must establish an iCERT System account. To establish an iCERT account, please visit the iCERT homepage at <http://icert.doleta.gov> and select "Create Your Portal Account Today."

For more information on establishing an iCERT account, please follow the process outlined in the [iCERT Portal User Guide](#).

9. Who can establish an iCERT user account?

An employer or its authorized representative (i.e., attorney or agent) can establish an iCERT account.

10. What information will I need to establish an iCERT account?

The employer or its authorized representative will need to provide basic company and point-of-contact information, including a valid e-mail address to serve as a unique user name, and a password. Specifically, to establish an account the employer will need to list:

1. Login information: name, phone number, valid e-mail address and a security question;
2. Company information: Federal Employer Identification Number (FEIN), employer name, address, phone number, and the North American Industry Classification System (NAICS) code identifying the type of industry to which the employer or its authorized representative belongs;
3. First and last name, address, phone number and e-mail of the contact person for the account holder.

11. As an employer, attorney, or agent, how do I change or update information in my iCERT System account access information?

To change basic information in your primary account profile, please log into your iCERT account and select "My Profile." Please note, however, that due to security concerns, account holders may not change certain information in their accounts after an account is created, namely: the Login e-mail address, the Federal Employer Identification Number (FEIN) and the Employer name. To change this information, please contact the iCERT Portal Help Desk using the information provided below. To process your request, the iCERT Portal Help Desk will need the following information submitted in writing on the business letterhead of the account holder:

1. Action to be taken on the account
2. Reason for the account change
3. Account username
4. Full name of the original contact person on the account (if different from the requestor)
5. Full name of the new contact person on the account (if applicable)
6. Name of the business
7. Current business phone number to contact

8. Current business e-mail address to contact
9. FEIN
10. Effective date of the change

This request and any other technical assistance questions related to your iCERT System account may be e-mailed to the iCERT Portal Help Desk at OFLC.Portal@dol.gov. Account change requests that cannot be e-mailed as PDFs may be sent to us via facsimile to (202) 693-2768 or U.S. mail to the following address:

Office of Foreign Labor Certification
Employment and Training Administration
200 Constitution Avenue, NW, Room C-4312
Washington, DC 20210
Attn: iCERT Account

Using the iCERT System

12. Where can I direct my questions about the electronic filing process?

There are two potential places where you may send your questions, depending upon the type of question:

- If you have a technical question related to electronic filing (for example, if you forgot your username or password), please e-mail the iCERT Help Desk at OFLC.Portal@dol.gov.
- If you have a program specific question (for example, when you should submit your recruitment report or regarding newspaper advertisement content requirements), please e-mail to TLC.Chicago@dol.gov (the Chicago National Processing Center Help Desk)

Submitting an application

13. After the implementation of electronic filing, will the Office of Foreign Labor Certification (OFLC) be able to expedite my applications?

No. As a matter of long-standing policy, OFLC does not expedite the processing of applications due to the particular circumstances of any individual employer.

14. Are there any circumstances under which mailing in an Application for Temporary Employment Certification, ETA Form 9142, would prove more successful than electronically submitting the application through the iCERT System?

No. The Office of Foreign Labor Certification processes each application in the order in which it is received (i.e., first in, first out policy). This policy will continue after the

implementation of electronic filing in the H-2B and H-2A programs. In addition, after October 15, 2012 and December 10, 2012, respectively, all mailed-in applications will be data entered into the electronic case management system and processed in essentially the same fashion as those applications that are electronically submitted.

15. I mailed in my application not realizing that I have the option to file electronically. May I also submit my application electronically to expedite the processing?

No. Submitting identical applications through two different means is not recommended as it may delay processing. Where the Chicago National Processing Center (NPC) receives an application by mail, that application is data-entered into the iCERT System and assigned to an analyst for processing. Where the Chicago NPC identifies two identical applications, one submitted electronically and one mailed-in, the Chicago NPC will return or void the second submission and continue processing the one it received first.

16. I submitted my application electronically. Should I also mail it to the Chicago National Processing Center (NPC)?

No. Submitting identical applications through two different means is not recommended as it may delay processing. Where the Chicago NPC receives an application by mail, that application is data-entered into the iCERT System and assigned to an analyst for processing. Where the Chicago NPC identifies two identical applications, one submitted electronically and one mailed-in, the Chicago NPC will return or void the second submission and continue processing the one it received first.

17. If I don't wish to file electronically, can I still submit my application by mail?

Yes. Employers who elect not to file their applications electronically must continue to file by mail. If an employer wishes to continue to file its applications by mail, the employer should direct the completed, signed and dated Application for Temporary Employment Certification and all required supporting documentation to:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
11 West Quincy Court
Chicago, IL 60604-2105

18. How can I file an Application for Temporary Employment Certification, ETA Form 9142, electronically?

After establishing a user account, the employer can file an application electronically through OFLC's iCERT System – a customer friendly, Web-based electronic filing system by going to <http://icert.doleta.gov>.

To initiate an application, please log into your iCERT account, and click on the H-2B or the H-2A icon. You will be directed to your portfolio summary which, at the bottom of the page, contains a button "Begin New ETA Form 9142." Pressing this button will take you to the first application preparation step. To learn more about case preparation in iCERT please consult the program-specific iCERT user manual.

Please remember to upload a scanned copy of the signed and dated program-specific appendix (Appendix B.1 for the H-2B program, or Appendix A.2 for the H-2A program) and all required supporting documentation before submitting an application.

Important Reminder: Because the Chicago NPC will use e-mail as the primary method of communication with the employer and, if applicable, the employer's attorney or agent during the application review process, iCERT account holders must ensure that all e-mail addresses entered on the ETA Form 9142 are valid and that their internet service providers will not block e-mail messages sent from the Department. Where valid e-mail addresses are not provided, the Chicago NPC will communicate through mailed correspondence, a manual process which may impact processing times.

19. Can I use information I previously entered into iCERT to complete a new application?

Yes. An iCERT account holder can use its profile information to quickly pre-populate certain sections of the ETA Form 9142 and also reuse one or more sections of a previously submitted ETA Form 9142 to reduce preparation time.

20. What will happen if I make an error in the preparation of an application?

To aid in the avoidance of unnecessary mistakes, the electronic case preparation feature in iCERT includes real-time data formatting checks and validations to alert the application preparer about mandatory, incorrect, or missing entries on the ETA Form 9142 that, when not completed properly, will result in processing delays. This will enable application preparers to identify many errors before submitting an application. Application preparers are strongly encouraged to use these checks and to carefully review each application before submission to avoid processing delays.

21. I submitted my application through iCERT and then noticed a typographical error. Can I correct my application through my iCERT account?

No. You cannot make corrections to an Application for Temporary Employment Certification, ETA Form 9142, through your iCERT account after submitting it. You may, however, submit a written request to the Certifying Officer (CO) via TLC.Chicago@dol.gov asking that the application be amended to correct typographical

errors. The CO will review the written amendment request and, provided the proposed amendment(s) are justified and will have no significant effect on the CO's ability to make the labor certification determination, the CO will grant the request and make the correction to the ETA Form 9142.

22. When I file an application electronically, how do I submit supporting documentation required at the time of filing?

When filing electronically through iCERT, the preparer will be required to upload all required supporting documentation before submitting the application.

23. Will I be required to submit a signed application bearing the original signature of the employer?

Both the H-2A and H-2B regulations require that the ETA Form 9142 filed with the Chicago National Processing Center (NPC) must bear the original signature of the employer and that of the employer's authorized attorney or agent, if the employer is represented by an attorney or agent. When filing an application electronically, the iCERT account holder must upload a scanned copy of the signed and dated program-specific appendix and retain the original in its file. The scanned copy with the employer's signature and, if applicable, that of its attorney or agent on the Appendix B.1 (for the H-2B program) or Appendix A.2 (for the H-2A program), as appropriate, satisfies the original signature requirement. Where an application is granted temporary labor certification, the employer and, if applicable, its attorney or agent will be required to sign and date Appendix B.1 or A.2 of the certified ETA Form 9142 received from Chicago NPC.

Important Note for Job Contractors filing H-2B applications: For job contractors filing under the H-2B program as joint employers with their employer-clients, a separate attachment containing the employer-client's business and contact information (i.e., Sections C and D of the ETA Form 9142) and a signed and dated Appendix B.1 for the employer-client is still required and must be scanned and uploaded *prior* to electronically filing the application, along with a description of the relationship between the job contractor and the employer-client.

24. How do I submit required supporting documents with an application submitted through iCERT?

In order to submit supporting documents electronically through the iCERT System with an Application for Temporary Employment Certification, ETA Form 9142, you must first prepare the document in or convert it to an electronic format accepted in the iCERT System. Due to security concerns, the iCERT System will only accept electronic documents in Microsoft Word, Adobe PDF, or text file formats. Once signed and dated documents (e.g., Appendix B.1 or A.2) are scanned and other supporting documents are saved in an electronic format accepted in the iCERT system, the employer should proceed to the appropriate step of application preparation (Step 12 for H-2B or Step 11

for H-2A) and follow on screen steps to upload the document. For more information, please consult the program-specific iCERT User Manual.

Important Reminder: All supporting documentation related to an Application for Temporary Employment Certification, ETA Form 9142, must be uploaded in iCERT before you submit the application. Additional documentation cannot be uploaded in connection with the application after it is submitted.

25. I submitted my application through iCERT. Can I upload additional supporting documentation in connection with my application?

All supporting documentation related to an Application for Temporary Employment Certification, ETA Form 9142, must be uploaded in iCERT before you submit the application. Additional documentation cannot be uploaded in connection with the application after submission. For example, where an employer receives a Request for Further Information (RFI) (H-2B program) or a Notice of Deficiency (NOD) (H-2A program), the employer must respond to the RFI or NOD by providing the additional required documents and information to the Chicago National Processing Center by e-mail or mail, outside of the iCERT System.

26. How will I know if my application was properly submitted through the iCERT Portal System?

After an Application for Temporary Employment Certification, ETA Form 9142, has been submitted for processing, the iCERT System will immediately display a confirmation message containing a permanent case number, receipt date, and other key information for the iCERT account holder to print and retain as evidence that the Department received the application for processing. Also, the employer's designated point of contact and, if applicable, the employer's authorized representative (i.e., attorney or agent) will receive a courtesy e-mail confirming that the application has been submitted.

27. How will I receive notifications about my case from the Chicago National Processing Center (NPC) after implementation of electronic filing?

The Chicago NPC will send e-mail notifications and other official correspondence through the iCERT System during key points of the application adjudication process. In some instances, employers and their authorized representatives may receive a communication from the Chicago NPC by mail.

28. Can I withdraw the application I submitted through my iCERT account?

After submission, an authorized user can withdraw an Application for Temporary Employment Certification, ETA Form 9142, through an iCERT account at any time before the application is assigned to an analyst for review. Alternatively, or where the authorized user is unable to withdraw the application through his or her iCERT account, an employer wishing to withdraw its application may submit a written request for

withdrawal directly to the Chicago National Processing Center (NPC). The employer may e-mail the request directly to the Chicago NPC using the address: TLC.Chicago@dol.gov, with the words “H-2B Withdrawal Request” or “H-2A Withdrawal Request”, as appropriate, contained in the subject line of the e-mail.

Employers without internet access may send a written request by facsimile to (312) 353-8830 (ATTN: H-2B Withdrawal Request or H-2A Withdrawal Request) or by U.S. mail to the following address:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
11 West Quincy Court
Chicago, IL 60604-2105
ATTN: H-2B Withdrawal Request

Monitoring Case Status

29. Will I be able to see the status of my application if I use electronic filing?

Yes. You can check the status of your application through your iCERT System account at <http://icert.doleta.gov>. Also, you can check the status of your application using the “iCERT Case Status Check” function on the public iCERT Home Page

30. When I log in to the iCERT System I have the option of checking on the status of my application. What do the different status indicators mean?

The status indicators for an application filed online are as follows:

Initiated: Means that the preparation of the application has begun. This means that you can continue to work on this application until the application is ready to be submitted.

In Process: Means that the application has been submitted for processing and is under OFLC review.

In Process – Accepted for further processing: Means that an H-2A application was submitted and accepted for further processing and recruitment for U.S. workers.

In Process – Notice of Deficiency Issued (Modifications Required): Means that an H-2A application was submitted but requires corrections due to identified deficiencies.

In Process – Under RFI: Means that OFLC has issued a Request for Further Information (RFI) in connection with an H-2B application and that the application continues to be under review.

Certified: Means that the application was certified in full for the period of need and number of workers requested.

Certified – Expired: Means that the validity period on the certified application has expired, i.e., the employer's end date of need has passed.

Partially Certified: Means that the application was certified only for some portion of the requested number or workers and/or period of need.

Partially Certified - Expired: Means that the validity period on the partially certified application has expired, i.e., the employer's end date of need has passed.

Denied: Means that the application has been denied by OFLC.

Withdrawn: Means that the application was withdrawn based on the employer's request.

Certification

31. How will certifications be issued through the iCERT System?

Where the Certifying Officer (CO) has made a determination to grant a temporary labor certification, the employer will receive an original certified ETA Form 9142 and depending on the program, Appendix B.1 (for H-2B) or A.2 (for H-2A) issued on blue security paper. Upon receipt of the original certified ETA Form 9142, the employer and, if applicable, the employer's attorney or agent must promptly sign and date the appendix containing the requisite program assurances and obligations. A job contractor filing in the H-2B program will also receive its employer-client's ETA Form 9142 Sections C and D page and Appendix B.1, issued on blue security paper, which the employer-client and, if applicable, the employer-client's attorney or agent must promptly sign and date.

Important Note: A certified ETA Form 9142 is valid when it contains a completed Section K bearing the electronic signature of the OFLC Administrator, and a completed "For Department of Labor Use Only" footer on each page identifying the iCERT case number, determination status, and the validity period.