

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D. C. 20210	CLASSIFICATION H-2A Program
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**ADVISORY: FOREIGN LABOR CERTIFICATION
TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 15-06**

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

**FROM: EMILY STOVER DeROCCO /s/
Assistant Secretary for Employment and Training**

**SUBJECT: Special Procedures for Processing H-2A Applications for Occupations
Involved in the Open Range Production of Livestock**

1. **Purpose.** To establish special procedures as part of the H-2A labor certification process for employers who desire to employ temporary foreign workers in the United States for occupations involved in the open range production of livestock.
2. **References.** 20 C.F.R. Part 655, Subpart B; 20 C.F.R. Part 653, Subparts B and F; and 20 C.F.R. Part 654, Subpart E.
3. **Background.** Due to the unique characteristics of the open range production of livestock, the Employment and Training Administration (ETA) is establishing certain special procedures for the processing of H-2A applications for certification of temporary employment in those occupations. 20 C.F.R. 655.93(c) provides the Department with the authority to continue and, where appropriate, revise special procedures in effect for the handling of applications for occupations involved in the open range production of livestock. Historically, H-2A applications for these occupations were processed through ETA's Regional Offices.

However, in December 2004, the Department opened two new National Processing Centers (NPCs), one each located in Atlanta and Chicago. These Centers have been designated to process applications for DOL certification to employ foreign workers for temporary positions under the H-2A agricultural worker visa program. The Department published a notice in the Federal Register (Vol. 70, No. 137, pages 41430-41438) on July 19, 2005, clarifying that, effective August 1, 2005, employers must file original copies of their H-2A applications directly with the NPCs, coinciding with the area of intended employment, and simultaneously file a copy with the appropriate State Workforce Agency (SWA).

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The special procedures outlined in this memorandum for occupations involving the open range production of livestock work in conjunction with this centralized filing process, and ensure greater consistency in the processing of these H-2A applications through the Centers.

4. **Special Procedures.** Attachment A outlines special procedures for labor certification applications submitted by employers for occupations involved in the open range production of livestock under the H-2A program. Unless otherwise specified in Attachment A, applications submitted for these occupations must comply with the requirements for H-2A applications contained at 20 C.F.R. Part 655, Subpart B.
5. **Action Required.** NPC Directors and SWA Administrators are directed to provide staff involved in the processing of H-2A applications for the open range production of livestock with a copy of these special procedures.
6. **Inquiries.** Questions from SWA staff should be directed to the appropriate NPC. Questions from NPC staff should be directed to the National Office of Foreign Labor Certification.
7. **Attachments.**

Attachment A	Special Procedures for Occupations Involved in the Open Range Production of Livestock Under the H-2A Program
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