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RESCISSIONS GAL Nos. 10-84; 10-84, Ch. 1; 10-84, Ch. 2	EXPIRATION DATE December 31, 1995

DIRECTIVE : GENERAL ADMINISTRATION LETTER NO. 01-95

TO : ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM : Barbara Ann Farmer
Administrator for Regional Management

SUBJECT : Procedures for H-2B Temporary Labor Certification in Nonagricultural Occupations

1. **Purpose.** To transmit revised procedures for processing H-2B temporary labor certification applications in nonagricultural occupations, including revised standards for determining the temporary nature of a job under the H-2B classification.
2. **References.** Title 20 CFR Parts 652 and 655, 8 CFR 214.2(h), 48 FR 2587, GAL 10-84.
3. **Background.** The H-2B visa classification applies to aliens coming temporarily to the U. S. to perform nonagricultural work of a temporary or seasonal nature, if U.S. workers capable of performing such service or labor can not be found in the United States. The H-2B visa classification requires a temporary labor certification from the Secretary of Labor advising the Immigration and Naturalization Service (INS) whether or not U.S. workers capable of performing the temporary services or labor are available and whether or not the alien's employment will adversely affect the wages and working conditions of similarly employed U.S. workers, or a notice that such certification can not be made, prior to filing an H-2B visa petition with INS.

The attached procedures are intended to clarify and update DOL procedures for processing applications for temporary labor certification and to incorporate INS standards for determining the temporary nature of a job opportunity under the H-2B classification. They do not apply to applications filed on behalf of aliens in the entertainment industry and in professional team sports. These procedures replace:

- General Administration Letter No. 10-84: Procedures for Temporary Labor Certifications in Nonagricultural Occupations (Issued 4/23/84);
 - General Administration Letter No. 10-84, Change 1: Revised Standards for Determining the Temporary or Permanent Nature of a Job Offer made in Conjunction With An Application for Nonagricultural Temporary Labor Certification (Issued 8/21/89); and
 - General Administration Letter No. 10-84, Change 2: Handling of Temporary Labor Certification Applications for Boilermakers (Issued 5/9/90).
4. **Action Required.** SESA Administrators are requested to provide the attached procedures to appropriate staff, and instruct that they be followed in processing H-2B applications.
 5. **Inquiries.** Inquiries should be directed to the appropriate Regional Certifying Officer.
 6. **Attachments.** [Procedures for H-2B Temporary Labor Certification in Nonagricultural Occupations.](#)