

September 26, 2022. The Office of Foreign Labor Certification Announces 30-Day Public Comment Period for Draft H-2A Frequently Asked Questions Guidance on Temporary or Seasonal Need.

The Employment and Training Administration's Office of Foreign Labor Certification (OFLC) has published a notice in the *Federal Register* announcing draft Frequently Asked Questions (FAQs) guidance for the H-2A temporary agricultural program titled, Round 17: *Temporary or Seasonal Need Assessments; Relevant Information or Factors Related to H-2A Labor Contractors (H-2ALCs) Operating in an Area of Intended Employment (AIE) Where Agricultural Production May Occur Year-Round*. See 87 FR 58374.

- [View the *Federal Register* Notice](#)

The draft guidance pertains to the Department of Labor's (Department) assessment of the nature of an employer's need for agricultural labor or services during OFLC's review of the Form ETA-9142A, *H-2A Application for Temporary Employment Certification*. OFLC developed this draft guidance, and is publishing it for public comment, consistent with a directive from the Secretary of Labor for interpretive guidance clarifying how the Department assesses an H-2A employer's need for agricultural labor or services to determine whether the employer has demonstrated a need of a temporary or seasonal nature, as required for H-2A certification.

OFLC invites written comments from the public on the draft FAQs to further inform the development of guidance regarding OFLC's assessment of temporary or seasonal need for the H-2A program. The draft guidance is accessible at the following link:

- [View a .PDF of the draft Round 17 FAQ guidance](#)
- [View the draft Round 17 FAQ guidance on regulations.gov](#)

The public may submit written comments on the draft FAQs through October 26, 2022. You may comment by using one of the following means:

- Email your comment(s) to ETA.OFLC.H2ARound17@dol.gov; or
- Submit your comment(s) through www.regulations.gov using the docket number ETA-2022-0007. **Please note:** OFLC will receive comments through both means, both by [email](mailto:ETA.OFLC.H2ARound17@dol.gov) and from www.regulations.gov, so there is no need to duplicate your comment submissions through both means.

OFLC will review all written comments that are timely submitted in the manner specified above, make any changes it determines are appropriate, and will publish final FAQs through a future *Federal Register* notice and on this website.