

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Foreign Labor Certification
	CORRESPONDENCE SYMBOL OFLC
	DATE April 26, 2024

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 12-21, CHANGE 2

TO: STATE WORKFORCE AGENCY ADMINISTRATORS

FROM: JOSÉ JAVIER RODRÍGUEZ
Assistant Secretary /s/

SUBJECT: Foreign Labor Certification Grant Planning Guidance for Fiscal Years (FYs) 2022 through FY 2024, Change 2

- 1. Purpose.** To provide updated guidance to State Workforce Agencies (SWAs) regarding foreign labor certification activities, and announce the allotments for FY 2024 foreign labor certification grants.
- 2. Action Requested.** The Employment and Training Administration (ETA) requests that SWA Administrators receiving this guidance share the information within their respective organizations to ensure that fiscal and programmatic staff are fully aware of the changes impacting foreign labor certification grant activities and timelines contained in this Training and Employment Guidance Letter (TEGL), Change 2.

SWAs must submit an annual grant application to ETA unless they are in receipt of an approved extension from the ETA Office of Foreign Labor Certification (OFLC). These applications must be submitted **no later than 30 calendar days** after the issuance of this guidance. OFLC will review the grant application package and, generally within 30 calendar days of receipt, inform the SWA in writing of any concerns or deficiencies that may prevent the grant application package from being approved.

- 3. Summary.** This TEGL 12-21, Change 2, provides updated programmatic guidance and announces SWAs' FY 2024 grant allotments for foreign labor certification activities. **Please note** that sections of TEGL 12-21 **NOT** expressly listed in this change remain applicable during the term of TEGL 12-21 (FY 2022 – FY 2024).
- 4. Content.** Please see Attachment I for guidance, Attachment II for FY 2024 grant allotments, and Attachments III, IV, V and VI for SWA Annual Plans. This Change 2 must be reviewed in tandem with TEGL 12-21 and TEGL 12-21 Change 1. Any items not specifically amended through this TEGL will remain in effect.
- 5. Inquiries.** SWA staff should direct all financial questions to the OFLC National Office at FLC.Grant@dol.gov.

RESCISSIONS None	EXPIRATION DATE Continuing
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6. **References.**

- Immigration and Nationality Act (INA), as amended, 8 U.S.C. 1101(a), 1182(a)(5)(A), 1184(c), and 1188;
- Approval of Covenant to Establish a Commonwealth of the Northern Mariana Islands, 48 U.S.C. 1801, 1806
- Wagner-Peyser Act, 29 U.S.C. 49f(d);
- U.S. Citizenship and Immigration Services regulations at 8 Code of Federal Regulations (CFR) Part 214
- 20 CFR Parts 653, subpart F; 654, subpart E; 655, subparts A, B and E; 656; and 658;
- 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- 2 CFR Part 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Department of Labor;
- ETA H-2A Program Handbook No. 398, January 1988;
- TEGL No. 12-21 *Foreign Labor Certification Grant Planning Guidance for Fiscal Years (FYs) 2022 through FY 2024*, June 10, 2022 [TRAINING AND EMPLOYMENT GUIDANCE LETTER No. 12-21 | U.S. Department of Labor \(dol.gov\)](#);
- Training and Employment Guidance Letter No. 12-21, Change 1 *Foreign Labor Certification Grant Planning Guidance for Fiscal Years (FYs) 2022 through FY 2024, Change 1*, March 20, 2023 [TEGL 12-21 Change 1 | U.S. Department of Labor \(dol.gov\)](#) ;
- Training and Employment Notice No. 08-23 *Required Employment Service and Employment-Related Law Complaint System Posters*, October 10, 2023 [TEN08-23 | U.S. Department of Labor \(dol.gov\)](#); and
- Further Consolidated Appropriations Act, 2024 (P.L. 118-47).

7. **Attachment(s).**

- Attachment I: Changes to TEGL 12-21 and TEGL 12-21, Change 1
- Attachment II: FY 2024 Grant Allotments
- Attachment III: FY 2024 Annual Plan
- Attachment IV: Annual Plan Certification
- Attachment V: Instructions for Completing Budget Narrative
- Amendment VI: Commonwealth of the Northern Mariana Islands (CNMI) CW-1 FY 2024 Grant Planning Guidance