

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	<b>CLASSIFICATION</b> Foreign Labor Certification
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**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 17-06,  
Change 1**

**TO:** CHICAGO NATIONAL PROCESSING CENTER PROGRAM DIRECTOR  
STATE WORKFORCE AGENCY ADMINISTRATORS

**FROM:** JANE OATES /s/  
Assistant Secretary

**SUBJECT:** Special Procedures: Labor Certification Process for Employers in the Itinerant Animal Shearing Industry under the H-2A Program

- Purpose.** To transmit special procedures, as updated to reflect regulatory and administrative changes in the H-2A Program, for employers who apply to the Department of Labor (Department) to obtain labor certifications to hire temporary agricultural foreign workers in occupations involving an itinerary for the shearing of sheep, goats, alpacas, or other animals requiring shearing in the United States.
- References.** 20 CFR Part 655, Subpart B; 20 CFR Part 653, Subparts B and F; 20 CFR Part 654, Subpart E; and Training and Employment Guidance Letter (TEGL) No. 17-06, Special Procedures for Employers in the Itinerant Animal Shearing Industry Under the H-2A Program; and [ETA Handbook No. 385](#).
- Background.** In 1986, Congress passed the Immigration Reform and Control Act of 1986 (IRCA) which amended the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and established the H-2A Program. In 1987 the Department issued an Interim Final Rule, promulgating the first H-2A regulations (the 1987 regulations) in accordance with IRCA. 54 FR 20496 (Jun. 1, 1987). The 1987 regulations provided for the administration of the H-2A Program by the Employment and Training Administration's (ETA) Regional Administrators, and instituted procedures to offset the adverse effects of immigration on U.S. workers. The 1987 regulations also established special procedures for certain occupations, as long as they did not deviate from the Secretary's statutory responsibility to determine U.S. worker availability and the adverse effect of foreign workers on the wages and working conditions of U.S. workers.

Due to the unique nature of the itinerant animal shearing industry, the Department established special procedures for the processing of H-2A applications for labor certification of temporary agricultural foreign workers. These special procedures were contained most recently in the TEGL No. 17-06.

<b>RESCISSIONS</b> TEGL 17-06	<b>EXPIRATION DATE</b> Continuing
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The 1987 regulations remained in effect, largely unchanged, until the Department promulgated new H-2A regulations on December 18, 2008. 73 FR 77110 (Dec. 18, 2008) (the 2008 Final Rule). The 2008 Final Rule implemented an attestation-based application process and made several substantive changes to the program, but retained the special procedures concept. After the Department determined that the 2008 Final Rule did not meet H-2A Program policy objectives, the Department commenced another rulemaking process culminating in the publication of new H-2A regulations on February 12, 2010. 75 FR 6884 (Feb. 12, 2010) (the 2010 Final Rule). The 2010 Final Rule implements changes that affect special procedures for the occupations involved in the itinerant animal shearing industry. Section 20 CFR 655.102 provides the Office of Foreign Labor Certification (OFLC) Administrator with the authority to establish, continue, revise or revoke special procedures for processing of certain H-2A applications, including those for itinerant animal shearing industry, as long as those procedures do not deviate from the statutory requirements under the INA.

This TEGL updates the special procedures previously established for occupations involved in itinerant animal shearing to reflect organizational changes, in addition to new regulatory and policy objectives. It rescinds and replaces previous guidance disseminated under TEGL 17-06, Special Procedures for Employers in the Itinerant Animal Shearing Industry Under the H-2A Program.

4. **Special Procedures.** Attachment A outlines special procedures for applications submitted by employers in the itinerant animal shearing industry under the H-2A Program. Attachment B outlines standards for mobile housing applicable to employers in the itinerant animal shearing industry under the H-2A Program. Unless otherwise specified in Attachments A and B, applications submitted for these occupations must comply with the requirements for processing H-2A applications contained at 20 CFR Part 655, Subpart B. Similarly, unless otherwise specified, job orders submitted for these occupations must comply with the requirements of 20 CFR Parts 655, Subpart B, 653 Subparts B and F and 654.
5. **Action Requested.** The Chicago National Processing Center (Chicago NPC) Program Director and State Workforce Agency (SWA) Administrators are directed to immediately provide copies of these special procedures to all staff involved in processing H-2A labor certification applications from employers in the itinerant animal shearing industry. The revised special procedures will apply to all employer applications with a start date of need on or after October 1, 2011.
6. **Inquiries.** Questions from SWA staff should be directed to the Chicago NPC. Questions from the Chicago NPC staff should be directed to the OFLC National Office.
7. **Attachments.**

Attachment A – Special Procedures: Labor Certification Process for Applications in the Itinerant Animal Shearing Industry under the H-2A Program

Attachment B – Standards for Mobile Housing Applicable to Occupations in the Itinerant Animal Shearing Industry