

<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b> <b>ADVISORY SYSTEM</b> <b>U.S. DEPARTMENT OF LABOR</b> <b>Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> Foreign Labor Certification
	<b>CORRESPONDENCE SYMBOL</b> OFLC
	<b>DATE</b> March 20, 2023

**ADVISORY:**     **TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 12-21, CHANGE 1**

**TO:**             STATE WORKFORCE AGENCY ADMINISTRATORS

**FROM:**         BRENT PARTON /s/  
Acting Assistant Secretary

**SUBJECT:**      Foreign Labor Certification Grant Planning Guidance for Fiscal Years (FYs) 2022 through FY 2024, Change 1

1. **Purpose.** To provide updated guidance to State Workforce Agencies (SWAs) regarding foreign labor certification activities impacted by implementation of new H-2A regulations published by the Department of Labor (Department) on October 12, 2022, and announce the allotments for FY 2023 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 1.

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 should 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 1, provides updated programmatic guidance and announces SWAs' FY 2023 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 2023 grant allotments, and Attachments III, IV, V and VI for SWA Annual Plans.
5. **Inquiries.** SWA staff should direct all financial questions to the OFLC National Office at [FLC.Grant@dol.gov](mailto:FLC.Grant@dol.gov).

<b>RESCISSIONS:</b> None	<b>EXPIRATION DATE:</b> 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;
- Training and Employment Guidance Letter 12-21; and
- Consolidated Appropriations Act, 2023 (P.L. 117-328).

**7. Attachment(s).**

Attachment I: Changes to TEGL 12-21  
Attachment II: FY 2023 Grant Allotments  
Attachment III: FY 2023 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 2023 Grant Planning Guidance