

November 5, 2025 - OFLC Announces Extensions and Emergency Procedures of Certain Application Processing Actions Impacted by the Government Shutdown

The Department recognizes the challenges that some employers are experiencing due to the cessation of processing activities by the Office of Foreign Labor Certification (OFLC) in response to the lapse in appropriations. Due to the government shutdown, beginning October 1, OFLC ceased all application processing activities and suspended public access to its Foreign Labor Application Gateway (FLAG) system and SeasonalJobs.dol.gov registry of H-2A and H-2B temporary job opportunities. Consequently, employers were unable to prepare and submit requests for prevailing wage determinations or labor certifications using the FLAG system or take necessary action to upload or submit responses to correspondence issued by OFLC prior to the shutdown between October 1, 2025, through October 31, 2025.

In light of these unique circumstances beyond the control of employers seeking prevailing wage and labor certification determinations, OFLC is implementing the following temporary changes to its standard procedures related to applications and documents that were impacted by the cessation of application processing activities from October 1, 2025, through November 2, 2025:

1. Submissions mailed to OFLC and postmarked between October 1 and November 2

During the time the public could not access the FLAG system, a substantial number of employers chose to submit applications and other correspondence to OFLC by mail or commercial delivery services because they were unable to file electronically.

OFLC will manually enter the applications and other correspondence received from October 1, 2025, through November 2, 2025, into the FLAG system. Once the information and related correspondence associated with an application is entered into the FLAG system, a case number will be assigned in connection with an application, and employers will receive notifications to inform them that their applications have been received for processing. As soon as practicable, OFLC will also respond to correspondence submitted by e-mail or by mail or

commercial delivery services once the submitted information has been entered into the FLAG system.

OFLC recognizes that the delay in receiving a notification could be a cause for concern for employers. Therefore, OFLC is clarifying that any application or other correspondence submitted by mail or commercial delivery service will be considered to have been filed on the date it was postmarked. For example, a PERM application postmarked on October 1, 2025 will be given a receipt date of October 1, 2025, upon entry into the FLAG system. Any correspondence sent by email will be deemed to have been received the day it was sent.

2. Responses to Request for Information, Notices of Acceptance, Notices of Deficiencies, Audit Notices, Requests for Reconsideration or Review, and all other responses with an original deadline during the period of time OFLC was unable to process applications due to the government shutdown

Responses or other requests for information associated with correspondence issued by OFLC related to applications that were pending on October 1, 2025, which contained a due date for response by the employer during the period of October 1, 2025, through November 2, 2025, will have their due dates automatically extended by 33 calendar days, which is the number of calendar days during which OFLC staff who were officially recalled back to work on November 3 were unable to accept and process applications. Employers do not need to submit a request to extend any submission deadline that fell during the period of October 1, 2025, through November 2, 2025. As OFLC continues to take all necessary steps to transition back to full operational status, employers are strongly encouraged to submit information and other documentation in response to correspondence issued by OFLC as soon as possible using the FLAG system.

Regarding the PERM program, if an employer's recruitment efforts or prevailing wage determination expired between October 1 and November 2, 2025, the employer impacted by these circumstances may submit applications electronically using the expired recruitment efforts or prevailing wage determination during the same 33 calendar day period during which an automatic deadline extension has been provided.

Important Note: Employers may receive a warning message from the FLAG system when submitting a PERM application with recruitment that is outside the regulatory 180-day filing window or when using an expired prevailing wage determination. However, the employer will still be able to complete and submit the application. If an impacted employer believes its application was improperly denied due to expired recruitment efforts or prevailing wage determination, a request for reconsideration explaining the circumstances may be submitted to the OFLC Certifying Officer.

3. Emergency filing procedures for H-2A, H-2B, and CW-1 applications which could not be filed between October 1, 2025, and October 31, 2025.

Employers are reminded that the H-2A ([20 CFR 655.134](#)) and H-2B ([20 CFR 655.17](#)) regulations include provisions permitting employers to request a waiver of the regulatory time period for filing an application. The CW-1 regulations contain a provision under [20 CFR 655.422](#) permitting employers to request permission to submit an application without first having obtained a prevailing wage determination. The emergency filing procedures regulations all require employers to demonstrate good and substantial cause for the requests to be accepted.

OFLC recognizes that many employers were unable to timely file applications during the period of October 1, 2025, through October 31, 2025, due to the cessation of processing activities and that this

circumstance was outside the control of employers. OFLC encourages employers to submit emergency requests by following the regulatory provisions for doing so for each visa program.

Please note, this guidance **only** applies to deadlines imposed by OFLC, it does not apply to deadlines for submission of appeals to or deadlines set by the Board of Alien Labor Certification Appeals (BALCA). OFLC does not have the authority to change regulatory deadlines for submissions to BALCA or to alter deadlines set by BALCA. It is advised that stakeholders reach out directly to BALCA at OALJ-Questions@dol.gov or any other method of contact provided by BALCA with questions about deadlines.