



# GMS Flash Alert

## Immigration Edition

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# United States - New Process Using FLAG System for Filing Form ETA-9141

Form ETA-9141, *Application for Prevailing Wage Determination*, will need to be completed and submitted in the Foreign Labor Application Gateway (FLAG) system after June 10, instead of utilizing the previous iCERT system.<sup>1</sup>

Effective June 10, 2019, the United States Department of Labor (DOL) will only be accepting Form ETA-9141 under the Foreign Labor Application Gateway (FLAG) cloud-based portal. The FLAG is designed to replace the Office of Foreign Labor Certification's (OFLC's) legacy iCERT system.

Any Forms ETA-9141 submitted through iCERT prior to June 10, 2019, will continue to be processed through the iCERT system. Stakeholders will still be able to access their iCERT system accounts to check the status of pending ETA-1941 applications and view Prevailing Wage Determinations.

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## WHY THIS MATTERS

The new system is intended to make the form completion and submission process more convenient, secure, and flexible. The upgrade to the FLAG system aims to offer users a more modern and automated experience.

Although the new FLAG system is arguably more secure, the dual authentication measure will undoubtedly pose logistical challenges for account holders who file a high volume of Forms ETA-9141. The same challenges will eventually be encountered by those filing Forms ETA-9035 and 9035E as well, as these forms are scheduled to be moved to the FLAG portal by the end of 2019.<sup>2</sup>

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## Background

The FLAG system was launched in December 2018 as a part of the DOL's technology modernization initiative.

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The system is aimed at providing greater accessibility (including access via mobile devices), case status dashboard reporting, flexible form preparation options, automated field population, digital signatures, case alerts, enhanced data sharing, and improved document uploading capabilities.

## FLAG System: More Details

The FLAG website includes instructional videos on how to create an account and help desk resources for technical issues with the new system. See <https://flag.dol.gov/>.

For those with accounts, the FLAG system will implement dual authentication. A unique pass-code will be provided to the account holder by text message or phone call to enable log-in each time that access is needed. In other words, a user-name and password alone will not be sufficient to access one's FLAG account. It is expected that this change will significantly add to the time it takes to prepare, file, and confirm the status of applications filed through the FLAG portal.

## Existing Form ETA-9141 and ETA-9035 Migration from iCERT to FLAG

The FLAG system will continue using the current Form ETA-9141. The DOL anticipates transitioning to a new prevailing wage form once approved by the Office of Management and Budget (OMB), estimated early fall 2019.

The DOL also plans to migrate Forms ETA-9035 and 9035E, *Labor Condition Applications for Nonimmigrant Workers*, from iCERT to the FLAG system later this year. This would have considerable impact on those filing H-1B, H-1B1, H-2B, and E-3 petitions, as they all require a Labor Condition Application certified by the DOL.

## Next Steps

Employers and immigration law firms should make sure they are registered for the new FLAG system so that Form ETA-9141 and later Forms ETA-9035 and 9035E can continue to be submitted and processed by the DOL.

OFLC is expected to roll out a "network" feature in FLAG next week, which permits those within the same law firm to work from the same account. OFLC will be releasing an instructional video on this networking feature next week.

## FOOTNOTES:

- 1 See the June 4 announcement "[OFLC Announces Schedule for Electronic Filing of Prevailing Wage Requests in the Foreign Labor Application Gateway \(FLAG\) System](#)," on the DOL website.
- 2 See the May 2019 DOL presentation "[Foreign Labor Application Gateway \(FLAG\) OFLC Technology Modernization Initiative](#)," on the DOL website.

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