

U.S. Department of Labor
Employment and Training Administration

OFFICE OF FOREIGN LABOR CERTIFICATION
Disaster Declaration for the Commonwealth of the Northern Mariana
Islands Due to Super Typhoon Bavi
Frequently Asked Questions
Issued August 5, 2026

COMMUNICATION

1. How will the Office of Foreign Labor Certification's (OFLC) National Processing Centers (NPC) communicate with employers and their authorized attorneys or agents affected by the disaster declaration for Super Typhoon Bavi?

OFLC will continue to contact employers and their authorized attorneys or agents primarily by email, and by U.S. mail where email addresses are not available. Employers should routinely check their email for updates on their OFLC applications. The email address on an application must be one that is actively used for business — one through which the employer (and their attorney or agent, if applicable) can reliably send and receive communications from OFLC.

2. How should employers or their authorized attorneys or agents update their contact information if their business operations are temporarily disrupted?

OFLC understands that some employers and their authorized attorneys or agents may need to temporarily close offices or shift to telework and will need to update their contact information to ensure they receive application-related correspondence. In these cases, contact the applicable OFLC NPC using the information below. The preferred method is the Foreign Labor Application Gateway (FLAG) system, which should be used whenever possible. If FLAG is not accessible, alternative methods for each program are listed below.

Prevailing Wage Programs: Direct questions about application processing, requests for deadline extensions, and contact information changes to the OFLC National Prevailing Wage Center:

- Email: oflc.pwd@dol.gov
- Subject line: "Disaster Typhoon Bavi" followed by the full case number.

H-2B and CW-1 Temporary Visa Programs: Direct questions about application processing, requests for deadline extensions, and contact information changes to the OFLC NPC:

- Online: Log into your FLAG account and upload a change request or responsive document using the "Ad Hoc Document" function for the specific application.

- Email: oflc.tlc@dol.gov
- Subject line: "Disaster Super Typhoon Bavi" followed by the full case number.

H-1B, H-1B1, and E-3 Temporary Visa Programs: Direct questions about application processing and contact information changes to the OFLC NPC:

- Online: Log into your FLAG account and upload a change request or responsive document using the "Ad Hoc Document" function.
- Email: oflc.lca@dol.gov
- Subject line: "Disaster Super Typhoon Bavi" followed by the full case number.

Permanent Labor Certification Program (PERM): Direct questions about application processing, requests for extensions related to audits and supervised recruitment, and contact information changes to the OFLC NPC:

- Email: oflc.plc@dol.gov
- Subject line: "Disaster Super Typhoon Bavi" followed by the full case number.

DEADLINE / TIMEFRAME FLEXIBILITY

3. Will OFLC grant deadline extensions or other accommodations for employers and their authorized attorneys or agents impacted by Super Typhoon Bavi?

Yes. OFLC recognizes that Super Typhoon Bavi may significantly disrupt business operations, and that some employers and their authorized attorneys or agents may be unable to meet OFLC deadlines or respond to correspondence on time. OFLC will grant deadline extensions for those affected — including delays caused directly by the typhoon and those resulting from preparations to adjust normal operations.

Prevailing Wage, H-2B, CW-1, and PERM Programs – Response Deadline Extension:

OFLC will accommodate affected employers and their attorneys or agents who need more time to respond to the applicable NPC. Extensions apply to all OFLC requests for information with a response deadline, including requests for audit documentation, responses to a Notice of Deficiency, recruitment reports, business verification and sponsorship documentation, supervised recruitment, and requests for reconsideration of a prevailing wage determination (PWD).

If a specific program deadline falls within the grace period of July 3, 2026, through October 1, 2026, OFLC will consider the employer compliant if the obligation is completed within 90 days of the original due date. For example, a deadline of July 20, 2026, would be extended to October 18, 2026.

Note: The 90-day extension is a one-time occurrence and will be granted only on cases that did not receive a prior 90-day extensions due to Super Typhoon Sinlaku.

PERM Program – Filing Date Extension: Under 20 CFR 656.17(e), employers must begin recruitment no more than 180 days before filing an Application for Permanent Labor Certification (Form ETA-9089) and must complete most recruitment steps at least 30 days before filing. Employers who have already completed recruitment and can file under existing regulatory requirements should do so. However, OFLC understands that some employers may be unable to complete these steps or to file within the 180-day window due to Super Typhoon Bavi. Provided the employer began recruitment within the 180 days preceding July 3, 2026, OFLC will accept recruitment completed up to 60 days after the regulatory deadlines, giving employers sufficient time to complete recruitment and file their PERM applications.

Note: These extensions apply only to areas for which an emergency disaster declaration has been made with respect to Super Typhoon Bavi. Disaster declarations may be amended or newly issued, so employers and their authorized attorneys or agents should continue to monitor the Federal Emergency Management Agency (FEMA) website for updates applicable to their jurisdiction. These extensions apply even if the employer, attorney, or agent has relocated and resumed operations outside the disaster area. The list of counties, parishes, and territories designated by FEMA as major disaster areas eligible for Individual or Public Assistance because of Super Typhoon Bavi is available at <https://www.fema.gov/disaster>.

4. Can an employer or its authorized attorney or agent who is impacted by the disaster declaration for Super Typhoon Bavi request an extension of time related to appeals of OFLC actions?

Requests for an extension of time related to appeals of OFLC actions should be directed to the presiding administrative or judicial authority, including the Department's Office of Administrative Law Judges (OALJ) for appeals of agency denials of labor certifications, debarments, revocations, or other agency actions related to labor certification. For more information concerning OALJ operations, please visit <https://www.dol.gov/agencies/oalj/>.

5. Will OFLC permit further deadline flexibility — beyond the dates in this guidance — for employers and their authorized attorneys or agents who continue to be impacted by Super Typhoon Bavi?

For the hardest hit areas, OFLC will closely monitor events and may further extend these deadlines in future guidance.

6. Will OFLC permit deadline flexibility for employers and their authorized attorneys or agents who are not in a FEMA-designated "disaster" area but are nonetheless impacted by the disaster declaration for Super Typhoon Bavi?

OFLC may extend deadline flexibility to employers and/or their authorized attorneys or agents who are outside a FEMA-designated "disaster" area but are impacted in such a way as to affect their ability to meet OFLC deadlines. Such employers and/or attorneys or agents may submit a written request for extension flexibility, following the communication procedures described in this Super Typhoon Bavi guidance. OFLC will evaluate such requests on a case-by-case basis. Until OFLC notifies such employers, attorneys, or agents that they are eligible for deadline flexibility under this guidance, they should make every effort to meet all applicable OFLC deadlines.

7. What should employers or their authorized attorneys or agents do if they receive OFLC correspondence with a deadline they cannot meet due to the impact of the disaster declaration for Super Typhoon Bavi, or that is inconsistent with this guidance?

Such employers and/or attorneys or agents should contact OFLC using the communication procedures described in this guidance. OFLC will work with stakeholders covered by an extension who receive correspondence reflecting an earlier deadline or a deadline that differs from this guidance.

H-1B, H-1B1, and E-3 Programs

8. Due to Super Typhoon Bavi, an employer may need to move H-1B, H-1B1, and/or E-3 workers to worksites not listed on the original Labor Condition Application (LCA). Under what conditions is this permitted?

An employer with an approved Form ETA-9035/9035E (LCA for Nonimmigrant Workers) may move H-1B, H-1B1, or E-3 workers to unlisted worksites without filing a new LCA, provided that the new locations are within the same area of intended employment covered by the approved LCA and the move does not change the material terms and conditions of employment.

H-1B workers may also be moved to worksites outside the area(s) of intended employment under the short-term placement provisions, without a new LCA, provided that the move does not change the material terms and conditions of employment. See 20 CFR 655.735. Note that the short-term placement provisions apply only to H-1B workers. An employer wishing to place an H-1B1 or E-3 worker at a new worksite outside the area(s) of intended employment must first file a new LCA.

Reminders:

Notice – The employer must post electronic or hard-copy notice at any new worksite before or on the date an H-1B, H-1B1, or E-3 worker begins work there. Notice must meet the content requirements of 20 CFR 655.734(a).

Working Conditions – Employers attest on the Form ETA-9035/9035E, section G(2), that the employment of H-1B, H-1B1, or E-3 nonimmigrant workers in the named occupation will not adversely affect the working conditions of similarly employed U.S. workers, and that nonimmigrant workers will be afforded working conditions on the same basis, and in accordance with the same criteria, as those offered to similarly employed U.S. workers. See 20 CFR 655.732. In practice, this means that any flexibility offered to foreign workers — such as telework or relocation options — must also be offered to similarly employed U.S. workers.

Material Changes to Terms and Conditions – Depending on the flexibility offered, an employer may be required to file a new LCA (e.g., where the flexibility offered constitutes a change to the material terms and conditions of the original LCA) or, although not technically required, an employer may wish to file a new LCA to cover new worksite(s) and flexibilities offered. It is important to note that if the move includes a material change in the terms and conditions of employment, the employer may need to file an amended petition with U.S. Citizenship and Immigration Services.

Questions/Complaints – Workers and employers with questions or complaints may contact the Wage and Hour Division (WHD) at <https://www.dol.gov/whd/> or by calling 1-866-487-9243. Callers will be connected to their nearest WHD office. WHD offers interpretation services in more than 200 languages, and all assistance is free and confidential.

9. What are the parameters of short-term placement of an H-1B worker at a worksite outside the area(s) of intended employment on the LCA?

The full conditions are set out in 20 CFR 655.735. In summary:

- The employer is in compliance with wages, working conditions, strike requirements, and notice for worksites covered by the approved LCA.
- The new worksite is not subject to a strike or lockout.
- The employer continues to pay the required wages for every day the H-1B worker is placed outside the area of intended employment.
- The employer covers lodging, travel, meals, and other expenses on both workdays and non-workdays.

Depending on circumstances, placement may last up to 30 workdays in a year, or up to 60 workdays in certain cases. Employers should assess which limit applies on a case-by-case basis. Note that the 60-workday provision does not apply if the worker's residence is outside the area of intended employment. As stated above, these provisions apply only to H-1B workers; an employer would have to file a new LCA before placing an H-1B1 or E-3 worker at a new worksite outside the area(s) of intended employment on the LCA.

10. I cannot post a hard copy notice of my LCA filing due to Super Typhoon Bavi. How do I provide notice of the LCA filing?

Employers must notify their employees in the relevant occupational classification in the area(s) of intended employment of an LCA filing on or within 30 days before the filing date. Where a bargaining representative exists, the employer must provide notice of the LCA filing to the bargaining representative.

In the absence of a bargaining representative, the employer may provide hard copy or electronic notice to its employees, which must be available to employees for 10 calendar days. The hard copy notice must be posted in two conspicuous locations at each worksite (or place of employment), which may not be possible under these circumstances. However, the regulations allow employers to provide electronic notice of an LCA filing instead of hard copy notice. For electronic notice, employers may use any means ordinarily used to communicate with their employees about job vacancies or promotion opportunities, including their website, electronic newsletter, intranet, or email. If employees are provided individual direct notice, such as by email, notification is required only once and does not have to be provided for 10 calendar days.

The notice must be readily available to affected employees, must contain the required content, and must comply with the notice provisions of 20 CFR 655.734. The employer must document and retain evidence of the notice provided in its public access file in accordance with 20 CFR 655.760. The employer must provide a copy of the certified LCA to the H-1B, H-1B1, or E-3 worker(s) no later than the date the nonimmigrant worker reports to work at the worksite location.

PERM Program

11. I am an employer seeking to submit an Application for Permanent Employment Certification (Form ETA-9089). Due to the impact of the disaster declaration for Super Typhoon Bavi, I may need to temporarily close my offices or shift business operations to partial or full-time telework. How will this decision affect the requirement to post the Notice of Filing (NOF) under the Department's regulations?

Under 20 CFR 656.10(d), the NOF must be posted for at least 10 consecutive business days and completed at least 30 days before the date on which the employer submits the Form ETA-9089. While the NOF is not part of the required recruitment activities, under 20 CFR 656.10(d)(3)(iv) it must be posted during the same period as the employer conducts its recruitment efforts — that is, between 180 and 30 days before filing the Form ETA-9089. Accordingly, similar to the accommodations for recruitment activities due to Super Typhoon Bavi, OFLC will also accept NOFs posted within 60 days after the deadlines have passed to provide sufficient time for employers to file their applications, provided the employer initiated its recruitment within the 180 days preceding the major disaster declaration on April 12, 2026.

H-2B and CW-1 Programs

12. Due to the impact of the disaster declaration for Super Typhoon Bavi, I no longer have a business need for workers employed under my temporary labor certification. What should I do?

Employers who received temporary labor certification under the H-2B or CW-1 visa programs may request approval from the OFLC NPC Certifying Officer to terminate work under the job order and/or work contracts before the end date of work due to the impact of Super Typhoon Bavi. To submit a "contract impossibility" request, contact the NPC Certifying Officer as follows:

- Email: oflc.tlc@dol.gov
- Subject line: "Disaster Super Typhoon Bavi" followed by the full OFLC case number.

Important Reminders:

- An employer remains responsible for all obligations under the work contract until the Certifying Officer issues a favorable "contract impossibility" determination.
- If the Certifying Officer makes a finding of contract impossibility, the employer should document its compliance efforts with respect to the applicable regulatory requirements: H-2B (20 CFR 655.20(g)) or CW-1 (20 CFR 655.423(g)).