



Issue Date: 04 February 2019

CASE NO. : 2019-TLC-17

ETA CASE NO. : H-300-18337-102643

IN THE MATTER OF:

KOK FARMS, LLP

Employer

**ORDER GRANTING CERTIFYING OFFICER'S
UNOPPOSED MOTION FOR REMAND**

This proceeding arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101(a)(15)(H)(ii)(a), and the associated regulations promulgated by the United States Department of Labor (the "DOL" or the "Department") at 20 C.F.R. Part 655. The H-2A nonimmigrant visa program enables United States agricultural employers to employ foreign workers on a temporary basis to perform agricultural labor or services. 8 U.S.C. § 1101(a)(15)(H)(ii)(a); see also 8 U.S.C. §§ 1184(c)(1) and 1188. Employers who seek to hire foreign workers through this program must first apply for and receive a "labor certification" from the Department. 8 U.S.C. § 1188(a)(1); 8 C.F.R. § 214.2 (h)(5)(A).

On December 17, 2018, the Chief Administrative Law Judge received a letter from Kok Farms, LLP (the "Employer") requesting a de novo hearing of the Certifying Officer's Notice of Deficiency in the above-captioned H-2A temporary labor certification matter. The matter was assigned to the undersigned. The corrected appeals file was received on January 22, 2019.

By Motion filed February 1, 2019, Counsel for the Certifying Officer advised that the Certifying Officer and the Employer have reached an agreement in the above-referenced case and have determined that the Employer's H-2A

application for temporary labor certification should be remanded to the agency for additional processing. Employer's representative has no objection to the granting of the Certifying Officer's Motion.

THEREFORE, this case is remanded to the agency for further processing of the employer's H-2A application.

ORDERED this 4th day of February, 2019, at Covington, Louisiana.

LEE J. ROMERO, JR.
Administrative Law Judge