

Labor Condition Application for Nonimmigrant Workers  
ETA Form 9035  
U.S. Department of Labor



Please read and review the filing instructions carefully before completing the ETA Form 9035. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/>. In accordance with Federal Regulations at 20 CFR 655.730(b), incomplete or obviously inaccurate Labor Condition Applications (LCAs) will not be certified by the Department of Labor. If you have received permission from the Administrator of the Office of Foreign Labor Certification and you are submitting this form non-electronically, ALL required fields/items must be completed.

**A. Employment-Based Nonimmigrant Visa Information**

|  |  |
|--|--|
| 1. Indicate the type of visa classification supported by this application (Write classification symbol): |  |
|--|--|

**B. Temporary Need Information**

|  |   |                          |
|--|---|--------------------------|
| 1. Job Title   |   |                          |
| 2. SOC (ONET/OES) code   | 3. SOC (ONET/OES) occupation title                    |                          |
| 4. Is this a full-time position?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   | <b>Period of Intended Employment</b>                  |                          |
|  | 5. Begin Date (mm/dd/yyyy)                            | 6. End Date (mm/dd/yyyy) |
| 7. Worker positions needed/basis for visa classification supported by this application<br>(indicate total workers in each applicable category) |   |                          |
| <input type="checkbox"/> a. New employment   | <input type="checkbox"/> d. New concurrent employment |                          |
| <input type="checkbox"/> b. Continuation of previously approved employment without change with the same employer                               | <input type="checkbox"/> e. Change in employer        |                          |
| <input type="checkbox"/> c. Change in previously approved employment   | <input type="checkbox"/> f. Amended petition          |                          |

**C. Employer Information**

|  |  |                |
|--|--|----------------|
| 1. Legal business name                                     |  |                |
| 2. Trade name/Doing Business As (DBA), if applicable       |  |                |
| 3. Address 1   |  |                |
| 4. Address 2   |  |                |
| 5. City  | 6. State                                   | 7. Postal code |
| 8. Country   | 9. Province                                |                |
| 10. Telephone number                                       | 11. Extension                              |                |
| 12. Federal Employer Identification Number (FEIN from IRS) | 13. NAICS code (must be at least 4-digits) |                |

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**D. Employer Point of Contact Information**

**Note:** The information contained in this Section must be that of an employee of the employer who is authorized to act on behalf of the employer in labor certification matters. The information in this Section must be different from the agent or attorney information listed in Section E, unless the attorney is an employee of the employer.

|                                 |                       |                    |
|---------------------------------|-----------------------|--------------------|
| 1. Contact's last (family) name | 2. First (given) name | 3. Middle name(s)  |
| 4. Contact's job title          |                       |                    |
| 5. Address 1                    |                       |                    |
| 6. Address 2                    |                       |                    |
| 7. City                         | 8. State              | 9. Postal code     |
| 10. Country                     | 11. Province          |                    |
| 12. Telephone number            | 13. Extension         | 14. E-Mail address |

**E. Attorney or Agent Information (If applicable)**

|   |  |  |
|---|--|--|
| 1. Is the employer represented by an attorney or agent in the filing of this application?<br>If "Yes", complete the remainder of Section E below. |  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Attorney or Agent's last (family) name   | 3. First (given) name  | 4. Middle name(s)  |
| 5. Address 1  |  |  |
| 6. Address 2  |  |  |
| 7. City   | 8. State   | 9. Postal code   |
| 10. Country   | 11. Province   |  |
| 12. Telephone number  | 13. Extension  | 14. E-Mail address                                       |
| 15. Law firm/Business name  |  | 16. Law firm/Business FEIN                               |
| 17. State Bar number (only if attorney)   | 18. State of highest court where attorney is in good standing (only if attorney) |  |
| 19. Name of the highest court where attorney is in good standing (only if attorney)   |  |  |



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**F. Rate of Pay**

|  |  |
|--|--|
| 1. Wage Rate (Required)<br>From: \$ _____ . ____<br><br>To (Optional): \$ _____ . ____ | 2. Per: (Choose only one)<br><br><input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input type="checkbox"/> Year |
|--|--|

**G. Employment and Prevailing Wage Information**

**Note:** It is important for the employer to define the place of intended employment with as much geographic specificity as possible. The place of employment address listed below **must be a physical location and cannot be a P.O. Box**. The employer may use this section to identify up to three (3) physical locations and corresponding prevailing wages covering each location where work will be performed. If the employer has received approval from the Department of Labor to submit this form non-electronically and the work is expected to be performed in more than one location, an attachment must be submitted in order to complete this section.

**a. Place of Employment 1**

|  |   |
|--|---|
| 1. Address 1   |   |
| 2. Address 2   |   |
| 3. City  | 4. County   |
| 5. State/District/Territory  | 6. Postal code  |
| <b>Prevailing Wage Information</b> (corresponding to the place of employment location listed above)  |   |
| 7. State Workforce Agency which issued prevailing wage (if applicable)   | 7a. Prevailing wage tracking number (if provided by SWA)  |
| 8. Wage level<br><input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> N/A                                      |   |
| 9. Prevailing wage<br>\$ _____ . ____  | 10. Per: (Choose only one)<br><input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input type="checkbox"/> Year |
| 11. Prevailing wage source (Choose only one)<br><input type="checkbox"/> OES <input type="checkbox"/> CBA <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other |   |
| 11a. Year source published   | 11b. If "OES" and SWA did not issue prevailing wage OR "Other" in question 11, specify source   |

**H. Employer Labor Condition Statements**

**! Please Note:** In order for your application to be processed, you **MUST** read Section H of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading “Employer Labor Condition Statements” and agree to all four (4) labor condition statements summarized below:

- (1) **Wages:** Pay nonimmigrants at least the local prevailing wage or the employer’s actual wage, whichever is higher, and pay for non-productive time. Offer nonimmigrants benefits on the same basis as offered to U.S. workers.
- (2) **Working Conditions:** Provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed.
- (3) **Strike, Lockout, or Work Stoppage:** There is no strike, lockout, or work stoppage in the named occupation at the place of employment.
- (4) **Notice:** Notice to union or to workers has been or will be provided in the named occupation at the place of employment. A copy of this form will be provided to each nonimmigrant worker employed pursuant to the application.

|  |  |
|--|--|
| 1. I have read and agree to Labor Condition Statements 1, 2, 3, and 4 above and as fully explained in Section H of the Labor Condition Application – General Instructions – Form ETA 9035CP. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|--|



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**I. Additional Employer Labor Condition Statements – H-1B Employers ONLY**

**! Please Note:** In order for your H-1B application to be processed, you **MUST** read Section I – Subsection 1 of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading “Additional Employer Labor Condition Statements” and answer the questions below.

**a. Subsection 1**

|  |  |
|--|--|
| 1. Is the employer H-1B dependent?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Is the employer a willful violator?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. If “Yes” is marked in questions I.1 and/or I.2, will the employer use this application <u>ONLY</u> to support H-1B petitions or extensions of status for exempt H-1B nonimmigrants? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

If you marked “Yes” to questions I.1 and/or I.2, you **MUST** read Section I – Subsection 2 of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading “Additional Employer Labor Condition Statements” and indicate your agreement to all three (3) additional statements summarized below.

**b. Subsection 2**

- A. **Displacement:** Non-displacement of the U.S. workers in the employer’s workforce
- B. **Secondary Displacement:** Non-displacement of U.S. workers in another employer’s workforce; and
- C. **Recruitment and Hiring:** Recruitment of U.S. workers and hiring of U.S. workers applicant(s) who are equally or better qualified than the H-1B nonimmigrant(s).

|  |  |
|--|--|
| 4. <b>I have read and agree</b> to Additional Employer Labor Condition Statements A, B, and C above and as fully explained in Section I – Subsections 1 and 2 of the Labor Condition Application – General Instructions Form ETA 9035CP. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|--|

**J. Public Disclosure Information**

**! Please Note:** You **MUST** choose one of the two options listed in this Section.

|   |   |
|---|---|
| 1. Public disclosure information will be kept at: | <input type="checkbox"/> Employer’s principal place of business<br><input type="checkbox"/> Place of employment |
|---|---|

**K. Declaration of Employer**

*By signing this form, I, on behalf of the employer, attest that the information and labor condition statements provided are true and accurate; that I have read sections H and I of the Labor Condition Application – General Instructions Form ETA 9035CP, and that I agree to comply with the Labor Condition Statements as set forth in the Labor Condition Application – General Instructions Form ETA 9035CP and with the Department of Labor regulations (20 CFR part 655, Subparts H and I). I agree to make this application, supporting documentation, and other records available to officials of the Department of Labor upon request during any investigation under the Immigration and Nationality Act. Making fraudulent representations on this Form can lead to civil or criminal action under 18 U.S.C. 1001, 18 U.S.C. 1546, or other provisions of law.*

|  |  |                   |
|--|--|-------------------|
| 1. Last (family) name of hiring or designated official | 2. First (given) name of hiring or designated official | 3. Middle initial |
| 4. Hiring or designated official title                 |  |                   |
| 5. Signature   |  | 6. Date signed    |



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**L. LCA Preparer**

Complete this section if the preparer of this LCA by, or on behalf of, the employer is a person other than the one identified in either Section D (employer point of contact) or E (attorney) of this application.

|                       |                       |                   |
|-----------------------|-----------------------|-------------------|
| 1. Last (family) name | 2. First (given) name | 3. Middle initial |
| 4. Firm/Business name |                       |                   |
| 5. E-Mail address     |                       |                   |

**M. U.S. Government Agency Use (ONLY)**

By virtue of the signature below, the Department of Labor hereby acknowledges the following:

This certification is valid from \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Department of Labor, Office of Foreign Labor Certification

\_\_\_\_\_  
Certification Date (date signed)

\_\_\_\_\_  
Case number

*The Department of Labor is not the guarantor of the accuracy, truthfulness, or adequacy of a certified LCA.*

**N. Signature Notification and Complaints**

The signatures and dates signed on this form will not be filled out when electronically submitting to DOL for processing, but **MUST** be complete when submitting non-electronically. If the application is submitted electronically, any resulting certification **MUST** be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

Complaints alleging misrepresentation of material facts in the LCA and/or failure to comply with the terms of the LCA may be filed with any office of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor. Complaints alleging failure to offer employment to an equally or better qualified U.S. worker, or an employer's misrepresentation regarding such offer(s) of employment, may be filed with the U.S. Department of Justice, Office of the Special Counsel for Immigration-Related Unfair Employment Practices, 950 Pennsylvania Avenue, NW, Washington, DC, 20530.

**O. OMB Paperwork Reduction Act (1205-0310)**

These reporting instructions have been approved under the Paperwork Reduction Act of 1995. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Obligations to reply are mandatory (Immigration and Nationality Act, Sections 212(n) and 214(c)). Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Room C-4312, 200 Constitution Ave. NW, Washington, DC 20210. (Paperwork Reduction Project OMB 1205-0310.) **Do NOT send the completed application to this address.**