



U.S. DEPARTMENT OF LABOR

iCERT LCA MODULE ONLINE SYSTEM EXTERNAL USER GUIDE OFFICE OF FOREIGN LABOR CERTIFICATION

**VERSION 1.0
APRIL 2009**

Prepared By:

U.S. Department of Labor
Employment and Training Administration
Office of Performance and Technology
200 Constitution Ave. NW
Washington, DC 20210



Table of Contents

- 1 INTRODUCTION..... 1**
 - 1.1 Purpose and Scope..... 2
 - 1.2 Intended Audience..... 2
- 2 SYSTEM OVERVIEW..... 3**
 - 2.1 General System Description..... 3
 - 2.1.1 Accessing the LCA Module..... 3
 - 2.1.2 Submitting an ETA Form 9035E..... 3
 - 2.2 System Architecture Summary..... 3
- 3 LOGGING IN AND VIEWING LCA CASES..... 4**
 - 3.1 Accessing the iCERT Portal Welcome Page..... 4
 - 3.2 Logging In..... 6
 - 3.3 Viewing Cases in Portal Home and My Cases..... 8
 - 3.3.1 Viewing Cases in Portal Home..... 8
 - 3.3.2 Viewing Cases in My Cases..... 9
 - 3.3.3 Case Quick Search..... 9
- 4 CREATING A NEW ETA FORM 9035E..... 12**
 - 4.1 ETA Form 9035E – Form Access Preconditions..... 12
 - 4.2 Step 1 – Employment-Based Nonimmigrant & Temporary Need Information..... 15
 - 4.3 Step 2 – Employer Information..... 18
 - 4.4 Step 3 – Employer Point of Contact Information..... 21
 - 4.5 Step 4 – Attorney or Agent Information..... 23
 - 4.6 ETA Form 9035E – Step 5..... 27
 - 4.6.1 Section F. Rate of Pay..... 27
 - 4.6.2 Section G. Employment and Prevailing Wage Information..... 27
 - 4.6.3 Section H. Employer Labor Condition Statements..... 31
 - 4.7 ETA Form 9035E – Step 6..... 32
 - 4.7.1 Section I. Additional Employer Labor Condition Statements H-1B Employers Only..... 32
 - 4.7.2 Section J. Public Disclosure Information..... 35
 - 4.7.3 Section K. Declaration of Employer..... 35
 - 4.8 ETA Form 9035E – Step 7..... 37
 - 4.8.1 Section L. LCA Preparer..... 37
 - 4.8.2 Section N. Complaints..... 38
- APPENDIX B: GLOSSARY OF TERMS..... 40**



List of Tables

Table 1. User Roles and Responsibilities	2
Table 2. Online ETA Form 9035E Data Entry Conventions	14
Table 3. Glossary of Terms.....	40

List of Figures

Figure 1. iCERT Portal Welcome Page.....	5
Figure 2. iCERT Portal Login Section	6
Figure 3. Password Masking.....	6
Figure 4. Message for Users	6
Figure 5. iCERT Portal Home / Portfolio Summary Page (Partial)	7
Figure 6. Inactivity/Auto-Logout Message.....	7
Figure 7. Case Portfolio Summary Listing (H-1B Cases)	8
Figure 8. In Process Queue Screen (Sample).....	9
Figure 9. Case Quick Search Panel	10
Figure 10. Visa Program Drop-Down List	10
Figure 11. Case Status Drop-Down List.....	11
Figure 12. ETA Form 9035E – Form Access Preconditions Page	13
Figure 13. ETA Form 9035E – Step 1 Page (Partial).....	14
Figure 14. Section A: Employment-Based Nonimmigrant Visa Information.....	15
Figure 15. Visa Classification Type Drop-Down List.....	15
Figure 16. Section B: Temporary Need Information – Fields 1 through 4	16
Figure 17. SOC Code Listing.....	16
Figure 18. Section B: Temporary Need Information – Fields 5 through 7	17
Figure 19. ETA Form 9035E – Step 2 Page (Partial).....	18
Figure 20. Section C: Employer Information.....	19
Figure 21. Search NAICS Code Panel.....	20
Figure 22. ETA Form 9035E – Step 3 Page (Partial).....	21
Figure 23. Section D: Employer Point of Contact Information – Name Fields	22
Figure 24. Section D: Employer Point of Contact Information – Address Fields.....	22
Figure 25. Section D: Employer Point of Contact Information – Contact Information Fields	23
Figure 26. ETA Form 9035E – Step 4 Page (Partial).....	23
Figure 27. Section E: Attorney or Agent Information.....	24
Figure 28. Section E: Attorney or Agent Information – Name Fields.....	24
Figure 29. Section E: Attorney or Agent Information – Address Fields	25
Figure 30. Section E: Attorney or Agent Information – Contact Information Fields.....	25
Figure 31. Section E: Attorney or Agent Information – Attorney-Specific Information Fields	26
Figure 32. ETA Form 9035E – Step 5 Page (Partial).....	26
Figure 33. Section F: Rate of Pay.....	27
Figure 34. Section G: Employment and Prevailing Wage Information (Partial)	28
Figure 35. Section G: Employment and Prevailing Wage Information – Place of Employment	28
Figure 36. Section G: Employment and Prevailing Wage Information – Prevailing Wage	29
Figure 37. Section H: Employer Labor Condition Statements.....	31
Figure 38. ETA Form 9035E – Step 6 Page (Partial).....	32
Figure 39. Section I: Subsection 1 – Additional H-1B Labor Condition Statements	33
Figure 40. Section I: Subsection 2 – Additional H-1B Labor Condition Statements Agreement	35
Figure 41. Section J: Public Disclosure Information.....	35
Figure 42. Section K: Declaration of Employer.....	36
Figure 43. ETA Form 9035E – Step 7 Page (Partial).....	37



Figure 44. Section L: LCA Preparer..... 37
Figure 45. Section N: Complaints 38
Figure 47. Potentially Deniable Entries Listing 39



1 INTRODUCTION

The H-1B program allows an employer to temporarily employ a foreign worker in the U.S. on a nonimmigrant basis in a specialty occupation or as a fashion model of distinguished merit and ability. A specialty occupation requires the theoretical and practical application of a body of specialized knowledge and a bachelor's degree or the equivalent in the specific specialty (e.g., sciences, medicine and health care, education, biotechnology, and business specialties, etc...). Current laws limit the number of foreign workers who may be issued a visa or otherwise be provided H-1B status to 65,000. Effective January 1, 2004, the H-1B1 program became available, allowing employers to request foreign workers in the U.S. in a specialty occupation from Chile and Singapore. Current laws limit the number of foreign workers who may be issued an H-1B1 visa to 6,800.

The July 19, 2005 Federal Register Notice, Vol 70, No 137 provided initial guidance for employers filing applications for certifications under the E-3 worker visa program. The E-3 program is for Australian professionals seeking to temporarily work in the United States. As explained in the Notice, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, P.L. 109-13, was signed by the President on May 11, 2005. The Act established a new nonimmigrant visa category for Australian professionals seeking to work in the United States. The Act provides for 10,500 new visas per fiscal year for Australian nationals seeking temporary work in "specialty occupations," as defined under the H-1B provisions of the Immigration and Nationality Act.

Sponsoring employers seeking to hire foreign workers under the H-1B, H-1B1, and E-3 visa classifications are required to file a Labor Condition Application (LCA) Form ETA 9035E with the Department of Labor (DOL). An employer or its authorized representative may file must submit the LCA electronically through the Department's new iCERT Visa Portal System. Employers with physical disabilities that prohibit them from filing electronic applications may submit a written request to file their LCAs via U.S. mail. Such requests must be made prior to submitting an application and should be addressed to:

Office of Foreign Labor Certification
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, NW, Room C-4312
Washington, DC 20210
Attn: Temporary Programs Manager

The H-1B and H-1B1 certification is valid for the period of employment indicated on the Labor Condition Application (LCA), specifically the ETA Form 9035E, for up to three years. E-3 certification is valid for a period of employment of up to two years. A foreign worker can be in H-1B status for a maximum continuous period of six years. After the H-1B expires, the foreign worker must remain outside the U.S. for one year before another H-1B petition can be approved. Certain foreign workers with labor certification applications or immigrant visa petitions in process for extended periods may stay in H-1B status beyond the normal six-year limitation, in one-year increments. For more information regarding H-1B, H-1B1, and E-3 visa classifications, please visit the website of the United States Citizenship and Immigration Services (USCIS) at www.uscis.gov.



1.1 Purpose and Scope

This guide was developed to document the primary function of the iCERT Visa Portal System: LCA Module for External users (referred to as “LCA Module” hereafter). This system function includes the following:

- Provides Employers and their authorized representatives (i.e., Attorneys/Agents) a secure and reliable means to initiate, complete, and submit the ETA Form 9035E from within the iCERT Portal web site architectural framework.

While this guide addresses usage of this function, it only provides information pertinent to the *initial deployment* of the LCA Module. It is acknowledged that as the LCA Module is used over time, its existing functionality will undoubtedly evolve and completely new features will be incorporated as required by different elements of the user community. Consequently, this guide will be updated concurrently as necessary to reflect both incremental and generational upgrades to the system.

1.2 Intended Audience

This guide is targeted toward the external users of the LCA Module:

- **Employers & Attorneys/Agents:** External users who initiate, complete, and submit ETA Form 9035E applications from within the iCERT Portal web site architectural framework.

All external parties having potential interest in the LCA Module are identified in Table 1 below, and their associated roles and responsibilities are provided as well.

Table 1. User Roles and Responsibilities	
User Type	User Roles & Responsibilities
▶ External Users ◀	
Employers	Employers are those users applying for temporary, non-immigrant foreign labor. These users will submit Forms ETA 9035E.
Attorneys/Agents	Attorneys and/or agents are those users representing the employers. These users will submit Forms ETA 9035E.
Employees/Interns/Paralegals	Employees, interns, and paralegals will use the system on behalf of their employer or attorney management. These users will submit Forms ETA 9035E.



2 SYSTEM OVERVIEW

Section 2 presents a broad overview of the LCA Module. It contains the following subsections:

- Subsection 2.1, General System Description
- Subsection 2.2, System Architecture Summary

2.1 General System Description

The primary processing characteristics of the LCA Module are as outlined in subsections below.

2.1.1 *Accessing the LCA Module*

The LCA Module resides within the infrastructure and exists only as functional component of the new iCERT Visa Portal web site built by the U.S. Department of Labor. Strictly speaking, it is not a wholly self-contained standalone software application. To access the LCA Module, a user will need to first register on and then log into the iCERT Visa Portal site. Within the Portal, the user will view and manage LCA cases that they (or their associate accounts) have submitted to DOL. The user will be able to customize settings by which they and/or their associate accounts will access and manage the LCA forms.

2.1.2 *Submitting an ETA Form 9035E*

External users (Employers and Attorneys/Agents) will initiate, complete, and submit ETA Form 9035E from within the iCERT Visa Portal site. Real-time validations will notify users if data are improperly entered or if particular data will flag the case for denial. Users will be able to navigate freely between pages of the online form to make corrections to entered data. All data will be saved to a temporary table before the case is finally submitted; the case will be “final” only when the user has completed the form, reviewed any errors presented by the system, and approved final submission.

2.2 System Architecture Summary

The following system development characteristics apply to the iCERT LCA Module:

- ColdFusion version 8.0.1 is used as the development tool for the OFLC’s entire suite of web-enabled applications, including the iCERT Visa Portal System. ColdFusion is an application server and software development framework used for the development of computer software in general, and dynamic websites in particular.
- Oracle Database version 9i is the relational database management system (RDBMS) being used for the redesign of the system backend that focused on centralizing the formerly separate system databases.



3 LOGGING IN AND VIEWING LCA CASES

Strictly speaking, LCA Module is *not* a wholly self-contained standalone software application. To access the LCA Module, a user first needs to register for an iCERT account—and once login parameters are granted—use them to log into the iCERT Portal web site. The process for registering for an iCERT account is documented in the *iCERT Portal User Guide*. The procedures for accessing and logging into the iCERT Portal web site are provided in subsections 3.1 and 3.2 below, respectively. The process for performing a quick search to view cases from the **iCERT Portal Home Page** and **My Cases** tab are presented in subsection 3.3.

3.1 Accessing the iCERT Portal Welcome Page

Users have two options for accessing the **iCERT Portal Welcome Page**:

- From the ETA Home Page (URL = TBD May be <http://www.doleta.gov/>), access the iCERT Portal by clicking the “iCERT Portal” link located in the “Foreign Labor Certification” section of the web site.
- For direct access to the iCERT Portal Welcome Page, enter “icert.doleta.gov” into the Address field of the browser, and press the Enter key (or click the Go button).



The screenshot shows the iCERT Portal Welcome Page. At the top, it features the United States Department of Labor logo and the text 'UNITED STATES DEPARTMENT OF LABOR Employment & Training Administration'. Below this is a navigation bar with a date 'February 18, 2009', a search box, and a 'GO' button. A secondary navigation bar contains links for 'About ETA', 'Find Job & Career Info', 'Business & Industry', 'Workforce Professional', 'Grants & Contracts', 'ETA Library', 'Foreign Labor Certification', 'Performance & Results', and 'Regions & States'. The main content area is titled 'Welcome to the iCERT Portal' and includes an 'iCERT Portal Login' section with fields for 'Username' and 'Password', and links for 'New to iCERT? Create an account.' and 'Forgot username or password?'. To the right, there is a 'Access Your Legacy User Account' section with links for 'PERM', 'LCA', and 'H-2A'. Below the login section are tabs for 'System Alerts', 'Performance Information', and 'Downloadable Forms', with a message 'Welcome to the iCERT System...'. The 'Search for Prevailing Wages' section contains several dropdown menus for 'Select a state/territory', 'Select a data series and source', 'Choose a Collection Type', and 'Choose an area based on', along with radio buttons for 'All Industries' and 'ACWIA Higher Ed.', and 'County/Township' and 'BLS Areas'. It also has text input fields for 'Select an area', 'Select an occupation', and 'OR enter a keyword or phrase', and a 'Search Prevailing Wage' button. On the right side, there is an 'iCERT Case Status Check' section with a text input for case numbers and a 'Check Status' button. Below that is a 'Search for FAQs' section with a 'Select Visa Type' dropdown, a 'Select Subject Area' dropdown, a 'Keyword or phrase' input, and 'Date(s) Posted' fields for 'After' and 'Before' with date format inputs, and a 'Search FAQs' button.

Figure 1. iCERT Portal Welcome Page



3.2 Logging In

Once you have registered and created an iCERT user account, to log into the iCERT Portal, use the following procedure from the **iCERT Portal Login** section of the **Welcome Page** (see Figure 2 below).

The screenshot shows the 'iCERT Portal Login' section. It features two input fields: 'Username:' and 'Password:'. Below the 'Password:' field is a 'Log In' button. To the right of the input fields are two links: 'New to iCERT? [Create an account.](#)' and '[Forgot username or password?](#)'. A callout box labeled 'Two login parameter fields' points to the 'Username:' and 'Password:' input fields.

Figure 2. iCERT Portal Login Section

1. Type your registered system username into the **Username** field.
2. Type your account password into the **Password** field.

Note: For security reasons, character masks are displayed as the password is typed (see Figure 3 below).

The screenshot shows a 'Password:' label followed by a text input field. The field contains ten black dots, representing character masks for the password.

Figure 3. Password Masking

3. Click the **Log In** button, and the **Message for Users** page is displayed (see Figure 4 below).

The screenshot shows a 'MESSAGE FOR USERS' page. The text reads: 'This is a U.S. Government computer system, which may only be accessed and used by authorized personnel for official government business. Individuals using this computer system with or without authorization are subject and consent to having their activities monitored and recorded by authorized system personnel. All data contained on this computer system may be monitored, intercepted, recorded, read, copied, or captured and disclosed in any manner by authorized personnel. Anyone using this system expressly consents to such monitoring and is advised that if such monitoring reveals possible evidence of criminal activity, system personnel may provide the evidence of such monitoring to law enforcement officials, and could result in punishment by fine, imprisonment, or both (18 U.S. Code 1030). Unauthorized access or use of this computer system by any person whether authorized or unauthorized, constitutes consent to these terms and may subject violators to criminal, civil and/or administrative action.' Below the text are two buttons: 'Decline' and 'Accept'.

Figure 4. Message for Users

Note: Clicking the **Decline** button on the **Message for Users** page cancels the login process.



- Click the **Accept** button at the bottom of the **Message for Users** page to complete the login process and display the **iCERT Portal Home Page** (see Figure 5 below).

Case Status	Total Cases	Brief Description
Initiated	3	Applications started but not submitted
In Process	10	Applications submitted, under review
Certified	0	Applications certified
Denied	0	Applications denied
Withdrawn	0	Applications that have been withdrawn
Voided	0	Applications that have been voided
Invalidated	0	Applications that have been invalidated
Rejected	0	Applications that have been rejected

Figure 5. iCERT Portal Home / Portfolio Summary Page (Partial)

Notes:

- The system only allows one login session per user account.
- The system automatically deactivates a user's account after three consecutive unsuccessful login attempts.
- A user is allowed to reactivate their account by entering a temporary system-generated password sent to the email address provided during registration.
- After 45 minutes of system inactivity during any interactive session, the system automatically logs you out, redisplay the **iCERT Portal Welcome Page**, and displays the following message just above the **iCERT Portal Login** section (see Figure 6 below).

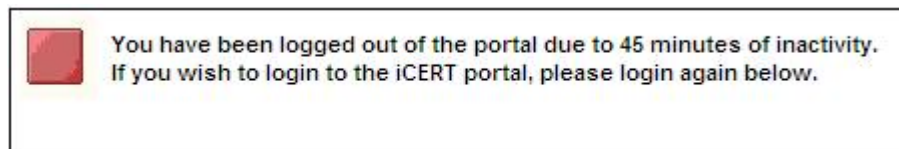


Figure 6. Inactivity/Auto-Logout Message



3.3 Viewing Cases in Portal Home and My Cases

If the **LCA** checkbox option is toggled on from the **My Account & Profiles** tab section, the system displays a tab for those programs on the **Portfolio Summary** page. The system will also execute a functional module in the **My Cases** tab section to allow users to submit the standardized ETA Form 9035E.

3.3.1 Viewing Cases in Portal Home

Clicking the **Portal Home** tab allows user to navigate directly to **Portal Home / Portfolio Summary** page if the application's home page is not currently displayed. The **Portfolio Summary** consists of a listing of the LCA cases created or assigned to the user (refer to Figure 7 below for a representative example for an external user of the system).

LCA Cases		
H-1B Cases		
Case Status	Total Cases	Brief Description
Initiated	3	Applications started but not submitted
In Process	10	Applications submitted, under review
Certified	0	Applications certified
Denied	0	Applications denied
Withdrawn	0	Applications that have been withdrawn
Voided	0	Applications that have been voided
Invalidated	0	Applications that have been invalidated
Rejected	0	Applications that have been rejected

Begin New ETA Form 9035

H-1B-related alerts requiring resolution

- There are no H-1B-related alerts at this time.

Figure 7. Case Portfolio Summary Listing (H-1B Cases)

If the user then clicked on the '10' under **Total Cases** in the **In Process** row under **Case Status**, an **In Process Queue** screen would be displayed (a representative example shown in Figure 8 below).



iCERT Portal Welcome, ERIC ERICKSON ([logout](#))

Portal Home | My Account & Profiles | My Cases | Forms & Instructions [Contact Us](#) | [Help](#)

You are Here: ETA Home --> iCERT Portal

In Process Cases

Case Number: Date Initiated: From: To:

Status: Date Submitted: From: To:

Employer/Legal Name:

<input type="checkbox"/>	Case Number	Date Initiated	Date Submitted	Status	Employer Legal Name	Summary
<input type="checkbox"/>	I-200-09062-599865	03/03/2009	03/05/2009	IN PROCESS	SMITH PLUMBING & HEATING	
<input type="checkbox"/>	I-200-09064-043241	03/05/2009	03/05/2009	IN PROCESS	SMITH PLUMBING & HEATING	
<input type="checkbox"/>	I-200-09064-263800	03/05/2009	03/05/2009	IN PROCESS	SMITH PLUMBING & HEATING	
<input type="checkbox"/>	I-200-09064-343104	03/05/2009	03/05/2009	IN PROCESS	SMITH PLUMBING & HEATING	
<input type="checkbox"/>	I-200-09064-519036	03/05/2009	03/05/2009	IN PROCESS	SMITH PLUMBING & HEATING	
<input type="checkbox"/>	I-200-09064-623771	03/05/2009	03/05/2009	IN PROCESS	SMITH PLUMBING & HEATING	
<input type="checkbox"/>	I-200-09064-775198	03/05/2009	03/05/2009	IN PROCESS	SMITH PLUMBING & HEATING	
<input type="checkbox"/>	I-200-09064-786262	03/05/2009	03/05/2009	IN PROCESS	SMITH PLUMBING & HEATING	
<input type="checkbox"/>	I-200-09064-846821	03/05/2009	03/05/2009	IN PROCESS	SMITH PLUMBING & HEATING	
<input type="checkbox"/>	I-200-09064-940442	03/05/2009	03/05/2009	IN PROCESS	SMITH PLUMBING & HEATING	

1 / 1 10 10 Row(s)

Figure 8. In Process Queue Screen (Sample)

3.3.2 Viewing Cases in My Cases

Clicking the **My Cases** tab allows users to navigate to their **Portfolio Summary** listing which essentially has the same functionality as that discussed in subsection 3.3.1 above.

3.3.3 Case Quick Search

This function queries the database based on a set of user-defined search criteria selected/entered into the **Case Quick Search** fields (refer to Figure 9 below). The system retrieves those cases meeting the user-defined search parameters and displays the results on the **Portfolio Summary** page for the applicable visa program application. One or more of the criteria may be used to search.



Case Quick Search

Visa Program:

Case Status:

Employer:

Associate:

Case Number:

Foreign Worker Name:

Filing Date Range:

From:

To:

Figure 9. Case Quick Search Panel

Note: On several of the **Case Quick Search** drop-down lists, some of the options are grayed-out and are not available for selection as a query parameter at the current time.

1. If desired, select the applicable visa classification from the **Visa Program** drop-down list (see Figure 10 below).



Figure 10. Visa Program Drop-Down List

2. If desired, select the current case processing status from the **Case Status** drop-down list (see Figure 11 below).



Figure 11. Case Status Drop-Down List

3. If desired, select the applicable company/business/firm from the **Employer** drop-down list.
4. If desired, select the pertinent associate account user to whom the case is assigned from the **Associate** drop-down list.
5. If desired, enter the applicable case identification number into the **Case Number** text field.
6. If desired, enter the name of the applicable foreign worker into the **Foreign Worker Name** text field.
7. If desired, enter the beginning and end dates to define the time scope of the query into the **Filing Date Range [From]** and **[To]** fields.

Note: The valid date format is “mm/dd/yyyy”.

8. When you have completed defining the search criteria, click the **Submit** button in the lower right corner of the **Case Quick Search** panel.

Any cases meeting the query parameters entered are retrieved and displayed on the **Portfolio Summary** page for the applicable visa program application



4 CREATING A NEW ETA FORM 9035E

This section documents the procedures to complete and submit the ETA Form 9035E for external users of the LCA Module (refer to the “External Users” subcategory in Table 1 beginning on page 2). Once a user logs into LCA Module via the iCERT Portal, they can create and submit the ETA Form 9035E electronically. The LCA Module presents the ETA Form 9035E in a format that has been designed to closely resemble the corresponding paper form to facilitate data entry. Users will also have the ability to save iterative changes to the Form or cancel data entry and exit the application.

An employer or attorney/agent submits an ETA Form 9035E stating their intention to hire a non-immigrant in a specialty occupation or as a fashion model. The submitting party may submit an application no sooner than six months prior to the beginning of the period of intended employment as stated on the submitted LCA. Upon submission, it is the employer’s and attorney/agent’s responsibility to ensure that the LCA is complete and accurate. The original ETA Form 9035E must be maintained in the employer’s public disclosure files.

External users should use the procedures outlined in subsections 4.1 through 4.8 below to fill out ETA Form 9035E for an LCA application via the iCERT Portal web site.

4.1 ETA Form 9035E – Form Access Preconditions

The **Form Access Preconditions** page displays a series of preliminary statements requiring consent or denial responses from the user. To complete the **Form Access Preconditions** page of the ETA Form 9035E, use the following procedure:

1. Log on to the iCERT Portal web site.
2. Click the **Accept** button at the bottom of the **Message for Users** page.
3. From the **iCERT Portal Home / Portfolio Summary** page, select the **LCA** visa type case tab.
4. Click the **Begin New ETA Form 9035E** button for the applicable visa type (depending on whether it is an H-1B, H-1B1, or E-3 case).

The **ETA Form 9035E – Form Access Preconditions** page is displayed (see Figure 12 below).



The screenshot shows the iCERT Portal interface. At the top, there is a header with the portal logo, navigation tabs (Portal Home, My Account & Profiles, My Cases, Forms & Instructions), and a user greeting: "Welcome, NATASHA RAMSEY (logout)". Below the header is a navigation breadcrumb: "You are Here: ETA Home --> iCERT Portal --> LCA --> Form 9035". A "Step" icons section shows a sequence of steps from 1 to 7, with step 1 highlighted. The main content area is titled "ETA Form 9035 - Form Access Preconditions" and contains the following text:

Electronic Filing of Labor Condition Applications For The H-1B Nonimmigrant Visa Program

This Department of Labor, Employment and Training Administration (ETA), electronic filing system enables an employer to file a Labor Condition Application (LCA) and obtain certification of the LCA. This Form must be submitted by the employer or by someone authorized to act on behalf of the employer.

A) I understand and agree that, upon my receipt of ETA's certification of the LCA by electronic response to my submission, I must take the following actions at the specified times and circumstances:

- print and sign a hardcopy of the electronically filed and certified LCA;
- maintain a signed hardcopy of this LCA in my public access files;
- submit a signed hardcopy of the LCA to the United States Citizenship and Immigration Services (USCIS) in support of the I-129, on the date of submission of the I-129;
- provide a signed hardcopy of this LCA to each H-1B nonimmigrant who is employed pursuant to the LCA.

Yes No

B) I understand and agree that, by filing the LCA electronically, I attest that all of the statements in the LCA are true and accurate and that I am undertaking all the obligations that are set out in the LCA (Form ETA 9035E) and the accompanying instructions (Form ETA 9035CP).

Yes No

C) I hereby choose one of the following options, with regard to the accompanying instructions:

- I choose to have the Form ETA 9035CP electronically attached to the certified LCA, and to be bound by the LCA obligations as explained in this form
- I choose not to have the Form ETA 9035CP electronically attached to the certified LCA, but I have read the instructions and I understand that I am bound by the LCA obligations as explained in this form

At the bottom of the form, there are two buttons: "Void & Exit" and "Next Page".

Figure 12. ETA Form 9035E – Form Access Preconditions Page

5. In the **A)** section of the **ETA Form 9035E – Form Access Preconditions** page, select the **Yes** or **No** radio button option to indicate compliance with the four conditional statements regarding the hardcopy LCA.
6. In the **B)** section of the **ETA Form 9035E – Form Access Preconditions** page, select the **Yes** or **No** radio button option to indicate compliance with the attestation statement.

Notes:

- If the user responds **Yes** to the items addressed in sections **A)** and **B)** of the **ETA Form 9035E – Form Access Preconditions**, the system allows the user access to create a new LCA.
 - If the user responds **No** to the items addressed in sections **A)** and **B)** of the **ETA Form 9035E – Form Access Preconditions**, the system displays a message stating that the LCA will be denied and the user will have the option to change the answer or accept that the LCA will be denied.
 - The user will still be allowed to access and complete an LCA if they accept the message informing them that the LCA will be denied.
7. In the **C)** section of the **ETA Form 9035E – Form Access Preconditions** page, select the first or second radio button option to indicate if you wish to have the ETA Form 9035E CP electronically attached to the certified LCA.



8. When you have responded to all three sections of the **ETA Form 9035E – Form Access Preconditions** page, click the **Next Page** button.

The **ETA Form 9035E – Step 1** page is displayed (see Figure 13 below).

Figure 13. ETA Form 9035E – Step 1 Page (Partial)

Table 2 below defines the conventions used in the seven-step online ETA Form 9035E data entry process.

Table 2. Online ETA Form 9035E Data Entry Conventions		
Form Convention	Form Icon	Description
Required Fields	*	All required fields on the seven-step ETA Form 9035E are marked with a red asterisk.
Navigation Icons		The set of eight icons in the upper left corner of the online 9035E forms allow you to track and navigate the steps 1 through 7 for filling out ETA Form 9035E by the applicable form section(s).
Date Values	[N/A]	All date values should be entered in a month/day/full year format (i.e., mm/dd/yyyy).
Void and Exit Button		Closes the current case form without saving the current set of ETA Form 9035E changes (after a prompt to do so).
Exit Button		Saves all currently entered ETA Form 9035E data and closes the current case form.
Save Button		Saves all currently entered ETA Form 9035E data while leaving the current case form displayed.
Previous Arrow		Displays the previous online form in the seven-step ETA Form 9035E data entry process sequence.
Next Arrow		Displays the next online form in the seven-step ETA Form 9035E data entry process sequence.



Table 2. Online ETA Form 9035E Data Entry Conventions		
Form Convention	Form Icon	Description
Warning		When displayed above one of the ETA Form 9035E “Step” icons, indicates data is missing in one or more required fields for that particular form page.
Print Current Page		Writes the current online ETA Form 9035E “Step” page to a temporary PDF file, which you can then send to print.
Print All Pages		Writes the entire online ETA Form 9035E to a temporary PDF file, which you can then send to print.

4.2 Step 1 – Employment-Based Nonimmigrant & Temporary Need Information

The **ETA Form 9035E – Step 1** page uses text fields, a drop-down list, a set of radio button options, and the SOC/O*Net Code search mechanism to respond to Section A. Employment-Based Nonimmigrant Visa Information and Section B. Temporary Need Information (including the intended period of employment) of the ETA Form 9035E.

1. In **Section A**, use the drop-down list to select the visa classification type supported by this LCA (see Figure 14 and Figure 15 below).

Figure 14. Section A: Employment-Based Nonimmigrant Visa Information

Figure 15. Visa Classification Type Drop-Down List

2. In the first text field of **Section B**, type the **Job Title** supported by this LCA.



Figure 16. Section B: Temporary Need Information – Fields 1 through 4

3. In the **SOC ONET/OES Code** field, enter the Standard Occupational Classification (SOC)/Occupational Network (O/*NET) code for the occupation which most clearly describes the work to be performed (e.g., the six-digit SOC code for a computer systems analyst is “15-1051.00”).
4. In **SOC ONET/OES Occupation Title** field, enter the occupation title associated with the SOC/O*NET (OES) code entered in step 3 above (e.g., the occupational title associated with SOC/O*NET code “15-1051.00” is “Computer Systems Analyst”).

Notes:

- Click the **Search SOC/O*NET (OES) Code** button to display a scrollable list of valid SOC Codes, Names, and partial narrative description (the default display is sorted alphabetically by Name). (Refer to Figure 17 below.) Click the **Search SOC/O*NET (OES) Code** button again to collapse the displayed listing.

Code	Name	Partial Description
53-5011.01	Able Seamen	Stand watch at bow or on wing of bridge to look for obstructions in
13-2011.01	Accountants	Analyze financial information and prepare financial reports to dete
13-2011.00	Accountants and Auditors	Examine, analyze, and interpret accounting records for the purpos
27-2011.00	Actors	Play parts in stage, television, radio, video, or motion picture pro
15-2011.00	Actuaries	Analyze statistical data, such as mortality, accident, sickness, dis
43-4051.01	Adjustment Clerks	Investigate and resolve customers' inquiries concerning merchanc

Figure 17. SOC Code Listing

- Click the **Code** column header to sort the display numerically by that variable.
- When the user selects a valid SOC from the displayed list, the system populates the **SOC ONET/OES Code** field with the applicable code and the **SOC ONET/OES Occupation Title** field with the corresponding title.
- The code value in the **SOC ONET/OES Code** field *cannot* be edited; however, the text in the **SOC ONET/OES Occupation Title** field can be updated by the user.



- In the fourth field of **Section B**, select the **Yes** and **No** radio button option to respond to indicate if this LCA is supporting a full-time position.

Note: Click the **Clear** button under this **Yes/No** radio button set to toggle off the current selection.

- In the **Begin Date** field under **Period of intended employment**, enter the projected beginning date for the worker's period of employment.

Period of intended employment:

5. Begin Date: * ?

6. End Date: * ?

7. Worker positions needed/basis for the visa classification supported by this application:

Total Worker Positions Being Requested for Certification: * ?

Basis for the visa classification supported by this application:
(indicate the total workers in each applicable category based on the total workers identified above)

a. New employment:	<input type="text" value="0"/> ?	d. New concurrent employment:	<input type="text" value="0"/> ?
b. Continuation of previously approved employment without change with the same employer:	<input type="text" value="0"/> ?	e. Change in employer:	<input type="text" value="0"/> ?
c. Change in previously approved employment:	<input type="text" value="0"/> ?	f. Amended petition:	<input type="text" value="0"/> ?

Void and Exit Exit Save Next

Figure 18. Section B: Temporary Need Information – Fields 5 through 7

- In the **End Date** field under **Period of intended employment**, enter the projected end date for the worker's period of employment.

Note: The date values for **Begin Date** and **End Date** must be entered in a month/day/full year format (i.e., mm/dd/yyyy).

- In the field labeled **Total Worker Positions Being Requested for Certification**, provide the total number of workers being requested for the visa classification supported by this LCA.

Notes:

- In steps 9 through 14 below, indicate the total workers in each applicable category based on the total number of workers identified in step 8 above.
 - In steps 9 through 14 below, retain the default '0' value in any field where the number of workers being requested for the visa classification supported by this LCA does not apply.
- In field **7a** under **Section B**, provide the number of workers being requested for **New employment**.
 - In field **7b** under **Section B**, provide the number of workers being requested for **Continuation of previously-approved employment without change with the same employer**.



11. In field **7c** under **Section B**, provide the number of workers being requested for **Change in previously approved employer**.
12. In field **7d** under **Section B**, provide the number of workers being requested for **New concurrent employment**.
13. In field **7e** under **Section B**, provide the number of workers being requested for **Change in employer**.
14. In field **7f** under **Section B**, provide the number of workers being requested for **Amended petition**.
15. When you have responded to all required items of the **ETA Form 9035E – Step 1** page, click the **Next** arrow.

The **ETA Form 9035E – Step 2** page is displayed (see Figure 20 below).

The screenshot displays the iCERT Portal interface for the ETA Form 9035E - Step 2 of 7. The user is identified as NATASHA RAMSEY. The page shows a progress bar with steps 1 through 7, where step 2 is highlighted and labeled "you are here". Below the progress bar, the section "C. Employer Information" is visible, containing three text input fields: "1. Legal Business name:", "2. Trade Name/Doing Business As (DBA), if applicable:", and "3. Address 1:". Each field has a red asterisk indicating it is required and a help icon.

Figure 19. ETA Form 9035E – Step 2 Page (Partial)

4.3 Step 2 – Employer Information

The **ETA Form 9035E – Step 2** page (see Figure 20 below) uses text fields, two drop-down lists, and the NAICS Code search mechanism to respond to Section C. Employer Information of the ETA Form 9035E. This page will have information pre-filled into certain fields from the Employer profile you defined when you first registered for your iCERT account.



C. Employer Information

1. Legal Business name:	*	<input type="text" value="LEGAL BUSINESS NAME"/>	?
<hr/>			
2. Trade Name/Doing Business As (DBA), if applicable:		<input type="text"/>	?
<hr/>			
3. Address 1:	*	<input type="text" value="123 A STREET"/>	?
<hr/>			
4. Address 2:		<input type="text"/>	?
<hr/>			
5. City:	*	<input type="text" value="WASHINGTON"/>	?
<hr/>			
6. State:	*	<input type="text" value="DISTRICT OF COLUMBIA"/>	?
<hr/>			
7. Postal code:	*	<input type="text" value="20005"/>	?
<hr/>			
8. Country:	*	<input type="text" value="UNITED STATES OF AMERICA"/>	?
<hr/>			
9. Province:		<input type="text"/>	?
<hr/>			
10. Telephone number:	*	<input type="text" value="202"/> <input type="text" value="693"/> <input type="text" value="3094"/> Ext. <input type="text"/>	?
<hr/>			
11. Federal Employer Identification Number (FEIN from IRS):	*	<input type="text" value="12"/> - <input type="text" value="3456789"/>	?
<hr/>			
12. NAICS Code:	*	<input type="text" value="111140"/> Search NAICS Code	

← Previous

Next →

Figure 20. Section C: Employer Information

1. In the first text field of **Section C**, enter the full legal name of the business, person, association, firm, corporation, or organization (i.e., the employer filing this LCA).

Note: The employer’s full legal name is the exact name of the individual, corporation, LLC, partnership, or other organization as reported to the Internal Revenue Service (IRS).

2. In the second text field of **Section C**, enter the **Trade Name/Doing Business As (DBA)** if applicable to this LCA.
3. Use fields **3** through **9** in the middle portion of **Section C** to enter all pertinent physical address information for the employer.

Notes:

- The **State** and **Country** drop-down lists are first letter keyed. Press a letter key to go to the first instance in either listing starting with that letter (e.g., press the ‘M’ key of the **State** drop-down to navigate to “Maine” in the list).



- For fields **3** through **9** in **Section C**, only the **Address 2** and **Province** fields are *not* required.
4. Use the four text fields associated with the **Telephone number** field to provide the complete primary phone number for the employer, including the area code and extension (if applicable).
 5. Use the two text fields associated with the **Federal Employer Identification Number** field to enter the employer's nine-digit FEIN as assigned by the IRS.

Notes:

- The FEIN is a unique nine-digit number assigned by the IRS to business entities operating in the United States for the purposes of identification.
 - The FEIN is formatted as ##-#####.
 - Do *not* enter a social security number as the FEIN.
6. At the bottom of **Section 2**, enter the four- to six-digit **NAICS Code** that best classifies your business (a link to a search mechanism for finding North American Industry Classification System (NAICS) codes is provided).

Notes:

- The NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.
- The NAICS numbering system is based on a six-digit code. The first two digits designate the largest business sector, the third digit designates the sub-sector, the fourth digit designates the industry group, and the fifth digit designates particular industries. The last digit designates national industries applicable to Canada, Mexico, and the United States.
- To use the NAICS Search mechanism, just click the **Search NAICS Code** link to the right of the associated text field to display the **Search NAICS Code** panel (see Figure 21 below) and follow the instructions.

Search NAICS Code

Enter NAICS code or description and click the 'Search' button.

NAICS Code:

-OR-

NAICS Desc:

Figure 21. Search NAICS Code Panel

7. When you have responded to all required items of the **ETA Form 9035E – Step 2** page, click the **Next** arrow.



The **ETA Form 9035E – Step 3** page is displayed (see Figure 22 below).

iCERT Portal Welcome, NATASHA RAMSEY ([logout](#))

Portal Home | My Account & Profiles | My Cases | Forms & Instructions | [Contact Us](#) | [Help](#)

You are Here: ETA Home --> iCERT Portal --> LCA --> Form 9035 Step 3

Form 9035 - Step 3 of 7 Case T-200-09062-063040 (INITIATED)

Progress: Pre | 1 (A-B) | 2 (C) | 3 (D) | 4 (E) | 5 (F-H) | 6 (I-K) | 7 (L-N)

Section D, Employer Contact Information, has prefilled fields from your Employer profile.

D. Employer Point of Contact Information

Important 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: * RAMSEY ?

2. First (given) name: * NATASHA ?

3. Middle name: ?

Figure 22. ETA Form 9035E – Step 3 Page (Partial)

4.4 Step 3 – Employer Point of Contact Information

The **ETA Form 9035E – Step 3** page uses text fields and two drop-down lists to respond to Section D. Employer Point of Contact Information of the ETA Form 9035E. This page will have information pre-filled into certain fields from the Employer profile you defined when you first registered for your iCERT account.

Note: The information contained in Section D of the ETA Form 9035E 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 Section D must be different from the agent or attorney information listed in Section E, unless the attorney is an employee of the employer.

1. In fields **1** through **3** of **Section D** (see Figure 23 below), use the three text fields provided to enter the employer point of contact's full name (last, first, and middle names).



D. Employer Point of Contact Information

Important 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: ?

Figure 23. Section D: Employer Point of Contact Information – Name Fields

2. In field 4 of **Section D**, use the text field to enter the **Contact's job title**.
3. Use fields 5 through 11 of **Section D** (see Figure 24 below) to enter all pertinent physical address information for the employer's point of contact.

5. Address 1: * ?

6. Address 2: ?

7. City: * ?

8. State: * ?

9. Postal Code: * ?

10. Country: * ?

11. Province: ?

Figure 24. Section D: Employer Point of Contact Information – Address Fields

Notes:

- The **State** and **Country** drop-down lists are first letter keyed. Press a letter key to go to the first instance in either listing starting with that letter (e.g., press the 'M' key of the **State** drop-down to navigate to "Maine" in the list).
 - For fields 5 through 11 in **Section D**, only the **Address 2** and **Province** fields are *not* required.
4. Use the four text fields associated with the **Telephone number** field (refer to Figure 25 below) to provide the complete primary phone number for the employer's point of contact, including the area code and extension (if applicable).



- In the **E-mail address** field, enter the work e-mail address of the employer's point of contact (see Figure 25 below).

12. Telephone number: * 202 693 3094 Ext. ?

13. E-Mail address: RAMSEY.NATASHA@DOL.GOV ?

Figure 25. Section D: Employer Point of Contact Information – Contact Information Fields

- When you have responded to all required items of the **ETA Form 9035E – Step 3** page, click the **Next** arrow.

The **ETA Form 9035E – Step 4** page is displayed (see Figure 26 below).

iCERT Portal Welcome, NATASHA RAMSEY (logout)

Portal Home My Account & Profiles My Cases Forms & Instructions Contact Us | Help

You are Here: ETA Home --> iCERT Portal --> LCA --> Form 9035 Step 4

Form 9035 - Step 4 of 7 Case T-200-09062-063040 (INITIATED)

Pre 1 2 3 4 5 6 7
A-B C D E F-H I-K L-N
you are here

E. Attorney or Agent Information (If applicable)

1. Is the employer represented by an attorney or agent in the filing of this application? If "Yes", complete the remainder of Section E below. Yes No ?

2. Attorney or Agent's last (family) name: ?

3. First (given) name: ?

Figure 26. ETA Form 9035E – Step 4 Page (Partial)

4.5 Step 4 – Attorney or Agent Information

The **ETA Form 9035E – Step 4** page uses a set of radio button options, text fields, and three drop-down lists to respond to Section E. Attorney or Agent Information of the ETA Form 9035E. Step 4 can essentially be skipped if the employer is *not* represented by an attorney or agent in this LCA filing. If this is the case, the user should select the **No** radio button in field 1 and click the **Next** arrow at the bottom right corner of the **ETA Form 9035E – Step 4** (see Figure 27 below).



Figure 27. Section E: Attorney or Agent Information

1. If the employer *is* represented by an attorney or agent in this LCA filing, select the **Yes** radio button option in field **1**.

Notes:

- Employer account users can click the **Look Up Agents/Attorneys Associated With Your Account** button to display a list from which they can select.
- Click the **Clear** button under the **Yes/No** radio button set in field **1** to toggle off the current selection.

Note:

2. In fields **2** through **4** of **Section E** (see Figure 28 below), use the three text fields provided to enter the attorney or agent's full name (last, first, and middle names).

Figure 28. Section E: Attorney or Agent Information – Name Fields

3. Use fields **5** through **11** of **Section E** to enter all pertinent physical address information for the employer's attorney or agent (see Figure 29 below).



5. Address 1:	§	<input type="text"/>	?
6. Address 2:		<input type="text"/>	?
7. City:	§	<input type="text"/>	?
8. State:	§	Please Select a State	?
9. Postal Code:	§	<input type="text"/>	?
10. Country:	§	Please Select a Country	?
11. Province:		<input type="text"/>	?

Figure 29. Section E: Attorney or Agent Information – Address Fields

Notes:

- The **State** and **Country** drop-down lists are first letter keyed. Press a letter key to go to the first instance in either listing starting with that letter (e.g., press the ‘M’ key of the **State** drop-down to navigate to “Maine” in the list).
 - For fields **5** through **11** in **Section E**, only the **Address 2** and **Province** fields are *not* required.
4. Use the four text fields associated with the **Phone** field to provide the complete primary phone number for the employer’s attorney or agent, including the area code and extension (if applicable). (Refer to Figure 30 below.)
 5. In the **E-mail address** field, enter the work e-mail address of the employer’s attorney or agent (see Figure 30 below).

12. Phone:	←	§	<input type="text"/>	<input type="text"/>	<input type="text"/>	Ext. <input type="text"/>	?
13. E-Mail address:			<input type="text"/>				?

Figure 30. Section E: Attorney or Agent Information – Contact Information Fields

6. In field **14** of **Section E**, enter the **Law firm/Business name** of the attorney’s firm.
7. In field **15** of **Section E**, enter the FEIN of the attorney/agent’s firm.
8. In field **16** of **Section E**, enter the attorney’s state bar number only if the employer is represented by a lawyer (*not* an agent) in this LCA filing.
9. In field **17** of **Section E**, use the drop-down list to select the state in which the highest court where the attorney is in good standing is located.



Note: The **State** drop-down lists are first letter keyed. Press a letter key to go to the first instance in the listing starting with that letter (e.g., press the ‘C’ key to navigate to “California” in the list).

10. In field **18** of **Section E**, type the name of the highest court where the attorney is in good standing.

Figure 31. Section E: Attorney or Agent Information – Attorney-Specific Information Fields

11. When you have responded to all required items of the **ETA Form 9035E– Step 4** page, click the **Next** arrow.

The **ETA Form 9035E – Step 5** page is displayed (see Figure 32 below).

Figure 32. ETA Form 9035E – Step 5 Page (Partial)



4.6 ETA Form 9035E – Step 5

The **ETA Form 9035E – Step 5** page uses numerous text fields, several sets of radio button options, and one drop-down list to respond to the following three sections of the ETA Form 9035E.

- Section F. Rate of Pay
- Section G. Employment and Prevailing Wage Information
- Section H. Employer Labor Condition Statements

4.6.1 Section F. Rate of Pay

Use the following procedure to provide the Rate of Pay information for this LCA filing:

Figure 33. Section F: Rate of Pay

1. Enter the wage rate range beginning dollar amount in the **From** field in **Section F** [REQUIRED].
2. Enter the wage rate range ending dollar amount in the **To** field in **Section F** [OPTIONAL].
3. Identify the standard pay period for the position supporting this LCA filing by selecting one of the following radio button options in the **Per** field in **Section F**:
 - **Hour**
 - **Week**
 - **Biweekly**
 - **Month**
 - **Year**

Note: Click the **Clear** button associated with this set of radio button options to toggle off the current pay period selection.

4.6.2 Section G. Employment and Prevailing Wage Information

The employer must define the place of intended employment with as much geographic specificity as possible. Any place of employment address provided in Section G below must be an actual physical



location and cannot be a P.O. Box. The employer may use Section G to identify up to three physical locations and corresponding prevailing wages covering each location where work will be performed.

Note: If the employer has received approval from the DOL 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 Section G.

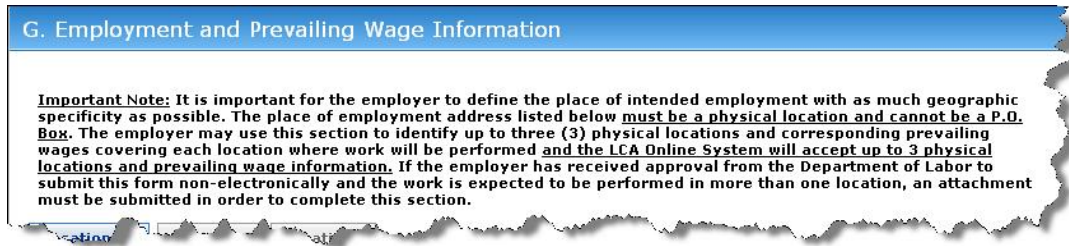


Figure 34. Section G: Employment and Prevailing Wage Information (Partial)

1. Use fields 1 through 6 of under **a. Place of Employment 1** (see Figure 35 below) to enter all pertinent information define the actual physical location where the work supported by this LCA will be performed.

Figure 35. Section G: Employment and Prevailing Wage Information – Place of Employment

Notes:

- The **State** drop-down list is first letter keyed. Press a letter key to go to the first instance in the listing starting with that letter (e.g., press the ‘C’ key to navigate to “California” in the list).



- The **Location 1** tabs fields are required (i.e., you must provide the information for at least one place of employment), but the **Location 2** and **Location 3** tab fields are optional and allow you to provide information for multiple places of employment.

b. Prevailing Wage Information (corresponding to the place of employment location listed above)

7. State Workforce Agency which issued prevailing wage: § ?

7 a. Prevailing wage tracking number (if provided by SWA): § ?

8. Wage Level: *

I II III IV N/A CLEAR ?

9. Prevailing Wage: * ?

10. Per: (Choose only one): *

Hour Week Biweekly Month Year CLEAR ?

11. Prevailing wage source: *

OES CBA DBA SCA Other CLEAR ?

11 a. Year source published: * ?

11 b. If "OES" and SWA did not issue prevailing wage OR "Other" in question 11, specify source: § ?

Figure 36. Section G: Employment and Prevailing Wage Information – Prevailing Wage

Note: For procedural steps **Error! Reference source not found.** through 9 below, refer to Figure 36 above.

- In field **7** under **Section G**, enter the **State/District/Territory** if the employer received a Prevailing Wage Determination (PWD) from the State Workforce Agency (SWA) or an OFLC National Processing Center (NPC). If the employer did not obtain a PWD from the SWA or NPC, enter "N/A."
- In field **7a** under **Section G**, enter the **Prevailing wage tracking number** assigned by the SWA or NPC. If the SWA or NPC did not assign a prevailing wage tracking number **OR** the employer did not obtain a PWD from the SWA or NPC, enter "N/A"
- In the **Wage Level** field, if the employer received a prevailing wage from either the SWA, NPC, or the Foreign Labor Certification Data Center Online Wage Library (at <http://www.flcdatcenter.com>), select one of the following radio button options to indicate the wage (i.e., "skill") level of the job opportunity. If the employer did *not* receive a prevailing wage from either of these sources, select the N/A radio button option.
 - I** radio button option



- **II** radio button option
- **III** radio button option
- **IV** radio button option
- **N/A** radio button option

Note: Click the **Clear** button associated with this set of radio button options to toggle off the current wage level selection.

5. In field **9** under **Section G**, enter the **Prevailing Wage** for the job opportunity.

Note: The prevailing wage rate is defined as the average wage paid to similarly employed workers in the requested occupation in the area of intended employment. This wage rate is usually obtained by contacting the SWA having jurisdiction over the geographic area of intended employment or from other legitimate sources of information, such as the Online Wage Library.

6. Identify the prevailing wage pay period for the position supporting this LCA filing by selecting one of the following radio button options in the **Per** field in **Section G**:

- **Hour**
- **Week**
- **Biweekly**
- **Month**
- **Year**

Note: Click the **Clear** button associated with this set of radio button options to toggle off the current prevailing wage pay period selection.

7. Identify the source of the published prevailing wage for the position supporting this LCA filing by selecting one of the following radio button options in the **Prevailing wage source** field in **Section G**:

- **OES** (Occupational Employment Statistics)
- **CBA** (Collective Bargaining Agreement)
- **DBA** (Davis-Bacon Act)
- **SCA** (McNamara-O'Hara Service Contract Act)
- **Other**

Note: Click the **Clear** button associated with this set of radio button options to toggle off the current prevailing wage source selection.

8. In the **Year source published** field, record the year in which the data source used to list the prevailing wage was published.

9. In field **11b** of **Section G**, specify the name of the company and exact wage survey used by the employer for the prevailing wage.



Note: This field should be used in circumstances where the employer has selected the **OES** or **Other** options in field **11** and the employer did *not* obtain a prevailing wage from the SWA or NPC. For example, if the employer obtained a prevailing wage using OES data from the Foreign Labor Certification Data Center Online Wage Library (at <http://www.flcdatacenter.com>), then the words “OFLC Online Data Center” must be entered in the space provided.

4.6.3 Section H. Employer Labor Condition Statements

In order for LCA applications to be processed, users must read Section H of the Labor Condition Application, General Instructions, ETA Form 9035CP and indicate compliance with all four of the pertinent labor condition statements.

H. Employer Labor Condition Statements

Important 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:

- 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.
- Working Conditions:** Provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed.
- Strike, Lockout, or Work Stoppage:** There is no strike, lockout, or work stoppage in the named occupation at the place of employment.
- 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.

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

Yes

No

Figure 37. Section H: Employer Labor Condition Statements

- In **Section H** of the **ETA Form 9035E – Step 5** page, select the **Yes** or **No** radio button option to indicate compliance with the four conditional statements regarding wages, working conditions, work stoppages, and worker notifications.
- When you have responded to all required items of the **ETA Form 9035E – Step 5** page, click the **Next** arrow.

The **ETA Form 9035E – Step 6** page is displayed (see Figure 38 below).



Figure 38. ETA Form 9035E – Step 6 Page (Partial)

4.7 ETA Form 9035E – Step 6

The **ETA Form 9035E – Step 6** page uses five sets of radio button options and a set of five fields to respond to the following three sections of the ETA Form 9035E:

- Section I. Additional Employer Labor Condition Statements H-1B Employers Only
- Section J. Public Disclosure Information
- Section K. Declaration of Employer

4.7.1 Section I. Additional Employer Labor Condition Statements H-1B Employers Only

Use the following procedure to respond to Section I of the ETA Form 9035E *only* if this LCA is supporting an H-1B LCA.

Note: Click the **Clear** button associated with any of the five sets of radio button options to toggle off the current option selection.



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

Important Note: In order for your H-1B application to be processed, you **MUST** read Section I Subsections 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? * Yes
 No

2. Is the employer a willful violator? * Yes
 No

3. If Yes is marked in questions 1.1 and/or 1.2, you must answer Yes or No regarding whether the employer will use this application **ONLY** to support H-1B petitions or extensions of status for exempt H-1B nonimmigrants?[§]

Yes
 No
 N/A

Figure 39. Section I: Subsection 1 – Additional H-1B Labor Condition Statements

Note: For procedural steps 1 through 3 below, refer to Figure 39 above.

1. In field **1** of **Section I**, select the **Yes** or **No** radio button option to indicate if the employer is H-1B dependent.

Notes:

- The employer is an H-1B dependent employer if the number of H-1B nonimmigrants employed by the employer as a proportion of the total number of full-time equivalent employees employed in the United States meets the following criteria.
 - An employer has 25 or fewer full time employees of which more than seven are H-1B employees
 - An employer has between 20 to 50 full time employees of whom more than 12 are H-1B employees
 - An employer has more than 50 full time employees of which 15% or more are H-1B employees.
- If an employer selects the **No** option and either *is* or *becomes* H-1B dependent, the submitted LCA will be deemed invalid and may not be used in support of a new petition or extension of a petition for an H-1B, H-1B1, or E-3 nonimmigrant.
- By selecting **No**, the employer also acknowledges that if it uses his application despite its invalidity, it is required to comply with the Additional Employer Labor Condition Statements in subsection 2 of Section H.



2. In field **2** of **Section I**, select the **Yes** or **No** radio button option to indicate if the employer is a willful violator.

Notes:

- The employer is willful violator if the employer has been found during the 5 years preceding the date of the application (and after October 20, 1998) to have committed a willful violation or a misrepresentation of a material fact.
 - If an employer selects the **No** option and was found, prior to the date of filing, to have committed a willful violation or a misrepresentation, the submitted LCA will be deemed invalid and may not be used in support of a new petition or extension of a petition for an H-1B, H-1B1, or E-3 nonimmigrant.
 - By selecting the **No** option, the employer also acknowledges that if it uses his application despite its invalidity, it is required to comply with the Additional Employer Labor Condition Statements in subsection 2 of Section I.
3. In field **3** of **Section I**, select the **Yes** or **No** radio button option after selecting the **Yes** option in field **1** of subsection 1 in Section I AND the employer intends to use this application **ONLY** to support H-1B petitions or extensions of status for *expected* H-1B nonimmigrants who will receive wages at a rate equal to at least \$60,000 per year, or have attained a master's degree (or equivalent or higher degree) in a specialty related to the employment.

Notes:

- If an employer selects the **Yes** option, the employer acknowledges that if it uses this application in support of a petition or extension of a petition of an H-1B, H-1B1, and E-3 nonimmigrant who is *not* exempt, it is required to comply with the Additional Employer Labor Condition Statements in subsection 2 of Section I with respect to all H-1B, H-1B1, and E-3 nonimmigrants supported by this application.
 - If an employer selects the **Yes** option, the employer also agrees to maintain documentation required by 20 CFR 655.737.
4. In **Section I**, under **b. subsection 2** (see Figure 40 below), select the **Yes** or **No** radio button option to indicate if the employer agrees to all three labor condition statements (labeled **A.**, **B.**, and **C.** listed in subsection 2 of Section I).



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 employers workforce
 B. **Secondary Displacement:** Non-displacement of U.S. workers in another employers 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)

I have read and agree 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.

Yes
 No

Figure 40. Section I: Subsection 2 – Additional H-1B Labor Condition Statements Agreement

4.7.2 Section J. Public Disclosure Information

Use the following procedure to respond to Section J of the ETA Form 9035E:

1. In field 1 of **Section J** (see Figure 41 below), select either the **Employers' principal place of business** or the **Place of employment** or both to indicate the physical location where the public disclosure information will be kept.

J. Public Disclosure Information

Important Note: You **MUST** select from the options listed in this Section.

1. Public disclosure information will be kept at: *

Employers' principal place of business
 Place of employment

Figure 41. Section J: Public Disclosure Information

Notes:

- Your choices to provide this information are limited to the two options defined above.
- Click the **Clear** button associated with this set of radio button options to toggle off the current selection.

4.7.3 Section K. Declaration of Employer

Section K is the general attestation declaration made by (or on behalf of) the employer that the information provided on the application is true and accurate. Use the following procedure (and Figure 42 below) to respond to Section K of the ETA Form 9035E.



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. Date signed: * ?

Figure 42. Section K: Declaration of Employer

1. In field **1** of **Section K**, enter the last (family) name of the person with authority to sign as the employer.
2. In field **2** of **Section K**, enter the first (given) name of the person with authority to sign as the employer.
3. In field **3** of **Section K**, enter the middle initial of the person with authority to sign as the employer.
4. In field **4** of **Section K**, enter the job title of the person with authority to sign as the employer.
5. In field **5** of **Section K**, the date the application was signed will be completed after certification is received.

Notes:

- The party possessing the authority to sign as the employer must date the application.
 - The date should be provided in a month/day/full year (mm/dd/yyyy) format.
6. When you have responded to all required items of the **ETA Form 9035E – Step 6** page, click the **Next** arrow.

The **ETA Form 9035E – Step 7** page is displayed (see Figure 43 below).



iCERT Portal Welcome, NATASHA RAMSEY ([logout](#))

Portal Home | My Account & Profiles | My Cases | Forms & Instructions | [Contact Us](#) | [Help](#)

You are Here: ETA Home --> iCERT Portal --> LCA --> Form 9035 Step 7

Form 9035 - Step 7 of 7 Case T-200-09062-063040 (INITIATED)

Pre | 1 A-B | 2 C | 3 D | 4 E | 5 F-H | 6 I-K | **7 L-N** you are here

L. LCA Preparer

Important Note: Complete this section if the preparer of this LCA is a person other than the one identified in either Section D (employer point of contact) or E (attorney or agent) of this application.

1. Last (family) name: § ?

2. First (given) name: § ?

3. Middle initial: § ?

4. Firm/Business name: § ?

5. E-Mail address: § ?

Figure 43. ETA Form 9035E – Step 7 Page (Partial)

4.8 ETA Form 9035E – Step 7

4.8.1 Section L. LCA Preparer

Use the five text fields to respond to Section L. LCA Preparer (see Figure 44 below) if the preparer of this LCA is a person *other than* the party identified in either Section D (Employer Point of Contact) or Section E (Attorney or Agent Information) of this application.

L. LCA Preparer

Important Note: Complete this section if the preparer of this LCA is a person other than the one identified in either Section D (employer point of contact) or E (attorney or agent) of this application.

1. Last (family) name: § ?

2. First (given) name: § ?

3. Middle initial: § ?

4. Firm/Business name: § ?

5. E-Mail address: § ?

Figure 44. Section L: LCA Preparer



1. In field **1** of **Section L**, enter the last (family) name of the LCA preparer.
2. In field **2** of **Section L**, enter the first (given) name of the LCA preparer.
3. In field **3** of **Section L**, enter the middle initial of the LCA preparer.
4. In field **4** of **Section L**, enter the **Firm/Business name** of the LCA preparer.
5. In field **5** of **Section L**, enter the LCA preparer's work e-mail address.

4.8.2 Section N. Complaints

To complete Section N of the ETA Form 9035E (see Figure 45 below), use the following procedure.

Figure 45. Section N: Complaints

1. Read the text of **Section N. Complaints**.
2. Click the **Next** arrow to save all information entered into the online ETA Form 9035E and complete the data entry process.

Notes:

- Please note that the ‘T’ for “Temporary” changed to ‘I’ for “Initiated” in the case number, which is your permanent case number.
- If you click the **Create New Case Button**, the **ETA Form 9035E – Form Access Preconditions** page will displayed allowing you to create another application.
- If you click **Return to Home** button, the **iCERT Portal Home / Portfolio Summary** page is redisplayed with the new case added to the **Initiated** category count.

The system provides some basic validation edits and warnings to external users. If, for example, the system identifies some potentially deniable entries, the system displays the **Potentially Deniable Entries** listing addressing missing, incomplete, or incorrect information as shown below.



You have 3 potentially deniable entries:

Step	Section	Question	You Entered
5	F.1	From:	\$17.25
5	G.9	9. Prevailing wage:	\$16.25
5	G.11.b	11b. If 'OES' and SWA did not issue prevailing wage OR 'Other' in question 11, specify source	No Data Entered

Click to submit with known problems

Click to display the Step 5 page

Return to Step 5

Submit ETA 9035 Form

Figure 46. Potentially Deniable Entries Listing

Notes:

- If there are potentially deniable entries, the system will display a **Return to Step #** button to the first “Step” page on which there is an identified problem.
- All of the entries under the **Step**, **Section**, **Question**, and **You Entered** columns are actually hyperlinks that you can click on to go directly to that item in the online ETA Form 9035E, and make any corrections necessary.
- When you have completed all the corrections you plan to make, click the **Submit ETA 9035E Form** button, the **Case Saved!** page is displayed.



APPENDIX A: GLOSSARY OF TERMS

Table 3 below provides a glossary of key terms pertinent to this document.

Table 3. Glossary of Terms	
Key Term	Description
Account	<p>A user account allows a requesting user to authenticate their identity to an automated system, usually via a unique user name and password combination (and other human-input validations as required). Authentication does not automatically imply authorization, however. Once the user has logged on, the defined account parameters also define the permissions and privileges authorizing the user's access to the system's services, functions, and processes.</p> <p>The iCERT Portal system offers three types of user accounts:</p> <ul style="list-style-type: none"> • Employer • Attorney/Agent • Associate
American Competitiveness & Workforce Improvement Act	<p>The American Competitiveness & Workforce Improvement Act (ACWIA) is legislation designed to help train U.S. workers in the high technology skills that the industry needs thereby reducing the need to import workers from abroad. The grants are either issued to a business partnership or to a local workforce investment board and generally are aimed at adults. Organizations must partner and apply to the Department of Labor.</p>
Associate Account	<p>An Associate account can be created by any user with a registered iCERT Employer or Attorney/Agent master account. An Associate account is also known as a sub-account (i.e., "subordinate") in that the user with the master account actually defines the specific system permissions and privileges when the associate account is created (see Permissions entry below).</p>
Attorney/Agent Account	<p>The Attorney/Agent account has "master-level" authority and consists of basic business and personal identification and contact information for the attorney or agent retained or hired to represent an employee in its interests applicable to OFLC visa program application cases.</p>
Employer Account	<p>The Employer account has "master-level" authority and consists of basic business and personal identification and contact information for the company/business actually sponsoring OFLC visa program applications in an attempt to hire foreign workers for their firm. For normal administrative purposes, usually there would only be one Employer account per business firm, even though the system itself does not place any restriction on the number of accounts a given business may create.</p>
Frequently Asked Questions	<p>Frequently Asked Questions (FAQs) are listed questions and answers, frequently posed in some common context, and pertaining to a particular grouping of related topics. The iCERT Portal system incorporates a FAQ feature that requires the user to select a visa program, subject area/keyword, and date range, and then navigate to a search screen to retrieve an answer from the OFLC FAQ database.</p>
Metropolitan Statistical Area	<p>Metropolitan Statistical Areas (MSAs) are composed of counties and for some county equivalents. MSAs are delineated on the basis of a central urbanized area—a contiguous area of relatively high population density. The counties containing the core urbanized area are known as the central counties of the MSA. Additional surrounding counties (known as outlying counties) can be included in the MSA if these counties have strong social and economic ties to the central counties as measured by commuting and employment.</p>



Table 3. Glossary of Terms

Key Term	Description
	<p>Note: MSAs are used for official purposes, but they are <i>not</i> the only estimates of metro area populations available.</p>
OFLC Visa Programs	<p>The iCERT Portal allows access to the following OFLC visa programs if the user checked the applicable visa program security privilege checkbox on the Your Login Information tab section when the system account was created or updated.</p> <ul style="list-style-type: none"> • LCA (H-1B, H-1B1, E-3) • PERM • H-2A • H-2B
Permissions	<p>Most modern applications have methods of administering account permissions or access rights and privileges to specific users and groups of users. These systems control the ability of the users affected to view or make changes to the contents of the application.</p> <p>The iCERT Portal system makes account distinction between Employer and Attorney/Agent accounts which grant “master-level” system permissions and Associate account (i.e., “Sub-Account”) permissions which are defined by and subordinate to the <i>master</i> Employer and Attorney/Agent accounts.</p>
Portfolio Summary	<p>In the context of the iCERT Portal system, the term “Portfolio Summary” refers to a listing of cases created by, assigned to, or viewable by a particular system user. If the user checked the applicable visa program security privilege checkbox on the Your Login Information tab section when the account was created or updated, the system displays a tab for those visa programs under the Portfolio Summary page. The system also displays a functional module in My Cases and allows user to submit the relevant ETA form(s) for the selected program(s).</p>
Prevailing Wage	<p>The prevailing wage rate is defined as the average wage paid to similarly employed workers in the requested occupation in the area of intended employment. The iCERT Portal system incorporates a prevailing wage search feature that requires user to enter a state/district/territory, data series and source, area based on, occupation/keyword, and then search to retrieve the prevailing wages for a particular occupation.</p>
Profile	<p>A profile for an Attorney/Agent account is a user-defined data set consisting of basic identification and contact information for any company the attorney or agent represents as a client in its interests applicable to OFLC visa application cases.</p> <p>A profile for an Employer account is a user-defined data set consisting of basic identification and contact information for any attorney and/or agent an employer has retained to represent the company’s interests in OFLC visa application cases.</p> <p>In the iCERT Portal system, profile information can then be dynamically associated with a case to pre-populate specific fields on certain screens with the pertinent employer information, thereby reducing data entry time and providing better data tracking.</p>
Single Sign-On	<p>Single sign-on (SSO) is a method of access control that enables a user to log in once and gain access to the resources of multiple software systems without being prompted to log in again.</p> <p>The iCERT Portal system is an example of an SSO because logging in at the application’s Welcome Page can gain access to the PERM, LCA, H-2A, and/or H-2B online systems for authorized users.</p>

**Table 3. Glossary of Terms**

Key Term	Description
Sub-Account	In the iCERT Portal system, an Associate account is also known as a “Sub-Account” in that its usage permissions are inherently subordinate to the user with the “Master Account” who created it. Anyone with a registered iCERT Employer or Attorney/Agent master account can create a sub-account, and in doing so they define the specific system permissions and privileges of the sub-account (see Permissions entry above).