

INSTRUCTIONS FOR COMPLETING FORM ETA 9035 (Fax Version) LABOR CONDITION APPLICATION FOR H-1B NONIMMIGRANTS

IMPORTANT: READ CAREFULLY BEFORE COMPLETING FORM

Print legibly in ink or use the Filler Adobe® Acrobat® File. Sign and date one form in original signature. Citations below to regulations are citations to identical provisions at 20CFR 655, subparts H and I, and to 29 CFR 507, subparts H and I.

To knowingly furnish any false information in the preparation of this form and any supporting documentation thereto, or to aid, abet or counsel another to do so is a felony, punishable by \$ 10,000 fine or five years in the penitentiary, or both (18 U.S.C. 1001). Other penalties apply as well to fraud or misuse of this immigration document (U.S.C. 1546) and to perjury with respect to this form (18 U.S.C. 1546 and 1621).

Employers seeking to hire H-1B nonimmigrants in specialty occupations or as fashion models of distinguished merit and ability must submit the completed and dated Form ETA 9035 facsimile to the national certifying officer in the Department of Labor (DOL), Employment and Training Administration (ETA) office having fax submittal jurisdiction. An application which is complete and has no obvious inaccuracies will be certified by DOL and returned to the employer, who may then file it in support of its petition with the Immigration and Naturalization Service.

*** Note ***

Please use abbreviations as needed, since the space in many of the entry areas is limited.

Do NOT use punctuation. This may cause some mis-reads.

The number in parenthesis is the number of characters for that field. Some have more than one number. These are items with more than one element, such as an address.

Maximizing Readability of the Form Hints

- * Never fax the form 'sideways'. The reader program cannot rotate the form 90 degrees.
- * Ensure the Corner Stone squares and Form ID glyph are not obstructed. These items tell the reader program where to look on the page. The Corner Stones are the black boxes in the far corners of each page. The Form ID glyph is in the lower right corner and is a rectangle with thick lines and squares inside with the number '23256' above..
- * Do not put extra marks inside the character boxes. The reader program will try to make these marks part of a letter.

* Do not try to fix mistakes by scratching out or lining out a letter. The reader program will try to form the mistake into a letter. This is especially a problem in numeric fields.

* Attorneys and Agents should avoid faxing a completed unsigned form to the employer for signature. Each time the form is faxed it degrades the image quality (blurs). Send by mail or courier instead. Then fax signed form to 800-397-0478.

* Avoid folding the form. The lines from folding can get into character boxes and cause a misread.

* Even using the above hints you may get your LCA back 'Not Approved'. If the reasons listed for not approving actually are correct values (especially those which say 'blank or unreadable') you may resubmit the application by simply faxing the same one again.

* If needed, you can mail the LCA to the regional office as you currently do.

- In rare instances there may be system failures, which result in your faxed LCA not being returned. Please give several days and then resubmit or mail as above.
- If you need to hand write the form, please follow the guides below.

For optimum accuracy, please print in capital letters and avoid contact with the edge of the box.
The following will serve as an example:

A	B	C	D	E	F	G	H	I	J	K	L	M
N	O	P	Q	R	S	T	U	V	W	X	Y	Z

For optimum accuracy, please print carefully and avoid contact with the edges of the box.
The following will serve as an example:

1	2	3	4	5	6	7	8	9	0
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Shade Circles Like This--> ●

Not Like This--> ~~⊗~~ ⊙

Instructions for Specific Items.

Item 1. Full Legal Name of Employer. (29) Enter the legal name of business, firm or organization, or, if an individual, enter name used for legal purposes on documents.

Item 2. Federal Employer I.D. Number. (9) Enter employer's Federal Employer Identification Number (EIN) assigned by the Internal Revenue Service.

Item 3. Employer's Telephone No. (10) Self-explanatory.

Item 4. Return FAX No.(10). The fax number where you want the LCA to be sent, it need not be the employer's.

Item 5. Employer's Address.(29,29,16,2,5,4) Self-explanatory.

Item 6. Address Where Documentation is Kept.(29,29,16,2,5,4) ** leave this item BLANK if the documents will be kept at the Employer's address above. Self-explanatory.

Item 7. Occupational Information. Enter the information requested under the appropriate subheading.

Item 7(a). Three-Digit Occupational Group Code.(3) Enter the three-digit code, from the list following these instructions, which most clearly describes the job to be performed. (DOL purposes only.)

Item 7(b). Job Title. (20) Enter the common name or payroll title of the job being offered. Check box to the right of the blank if position is part-time. A separate labor condition application shall be filed for each occupation in which H-1B nonimmigrants will be employed.

Item 7(c). Number of H-1B Nonimmigrants.(3) Enter the number of H-1B nonimmigrants that will be hired in the three-digit occupational code stated in item 7(a). Use only numerals and use leading zeros. For example: One position would entered as 001; twenty positions is 020.

Item 7(d). Rate of Pay. (7.2) Enter the salary to be paid in terms of the amount per hour, week, two weeks, month, or year. If a wage range is listed for this item, the salary for each H-1B nonimmigrant shall be maintained in support of the application. The first value (from) in the range must be at least 95% of the prevailing wage as entered below. The amount in the 'To' field is the highest. If the position is part time, both the rate of pay and prevailing wage should be expressed on an hourly basis. For example, if the wage to be paid is \$30,000 over the year for 20 hours each week and the prevailing wage rate is \$50,000 per year: the wage should be stated as \$28.85/hr and the prevailing wage rate as \$24.04 ($20\text{hr/wk} * 52\text{wk/yr} = 1040\text{hr/yr} \Rightarrow 30,000/1040 = 28.85$ & $50,000/1040 = 24.04$).

Item 7(e). Prevailing Wage Rate (7.2) and its Source(29). Enter the prevailing wage rate in terms of the amount per hour, week, two weeks, month, or year, and mark State Employment Security Agency (SESA), published wage survey -- OR -- mark Other and enter the source utilized by

the employer to determine the prevailing wage for the occupational classification in which H-1B nonimmigrants will be employed; e.g. "BLS"; "Wyatt"; Employer Conducted". There is no need to use the word 'Survey', we will assume that. This saves on the limited spaces.

Item 7(f). Period of Employment. Enter the starting and ending dates during which the H-1B nonimmigrants will be employed. ALL YEARS ARE FOUR DIGIT.

Item 7(g). Locations Where H-1B Nonimmigrants Will Work(19,2). Enter the City and State of the site or location where the work will actually be performed.

Item 8. Employer Labor Condition Statements. The employer must attest by checking off the conditions listed in (a) through (d) and by signing the application form. Employers must develop and maintain documentation to support labor condition statements 8(a) and 8(d). Documentation in support of a labor condition application shall be retained at the employer's principal place of business or worksite and made available to DOL upon such official's request. See 20 CFR 655.730 for guidance on the documentation that must support each labor condition statement.

Item 8(a). The employer must attest that H-1B nonimmigrants will be paid wages which are at least the higher of the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question or the prevailing wage level for the occupational classification in the area of intended employment.

Item 8(b). The employer must attest that the employment of H-1B nonimmigrants in the occupation named will not adversely affect the working conditions of workers similarly employed in the area of intended employment.

Item 8(c). The employer must attest that on the date the application is signed and submitted, there is not a strike, lockout or work stoppage in the course of a labor dispute in the named occupation at the worksite and that, if a such a strike occurs after this application is submitted, the application will not be used in support of petition filings with INS for H-1B nonimmigrants to work in the same occupation at the place of employment.

Item 8(d). The employer must attest that as of the date of filing, notice of the labor condition application has been provided to workers employed in the named occupation. The application may be provided to the workers through the bargaining representative, or where there is no such bargaining representative, notice of the filing must be posted in conspicuous places where H-1B nonimmigrants will be employed. Further, the employer must attest that each H-1B nonimmigrant employed pursuant to the application will be provided with a copy of the application. The notification shall be provided no later than the date the H-1B nonimmigrant reports to work at the place of employment.

Item 9. Declaration of Employer. One copy of this form must bear the original signature of the employer. By signing this form, the employer is attesting to the accuracy of the labor condition statements listed in items 8(a) through 8(d) and to compliance with these conditions. False statements are subject to Federal criminal penalties, as stated above. Failure to meet a condition of the application regarding strikes or lockouts, substantial failure to meet a condition of the application regarding notification of the bargaining unit representative, employees, and H-1B nonimmigrants, willful failure to meet a condition of the application regarding wages or working conditions, or misrepresentation of a material fact may result in additional penalties.

THREE-DIGIT OCCUPATIONAL GROUPS

PROFESSIONAL, TECHNICAL, AND MANAGERIAL OCCUPATIONS AND FASHION MODELS

OCCUPATIONS IN ARCHITECTURE, ENGINEERING, AND SURVEYING

- 001 ARCHITECTURAL OCCUPATIONS
- 002 AERONAUTICAL ENGINEERING OCCUPATIONS
- 003 ELECTRICAL/ELECTRONICS ENGINEERING OCCUPATIONS
- 005 CIVIL ENGINEERING OCCUPATIONS
- 006 CERAMIC ENGINEERING OCCUPATIONS
- 007 MECHANICAL ENGINEERING OCCUPATIONS
- 008 CHEMICAL ENGINEERING OCCUPATIONS
- 010 MINING AND PETROLEUM ENGINEERING OCCUPATIONS
- 011 METALLURGY AND METALLURGICAL ENGINEERING OCCUPATIONS
- 012 INDUSTRIAL ENGINEERING OCCUPATIONS
- 013 AGRICULTURAL ENGINEERING OCCUPATIONS
- 014 MARINE ENGINEERING OCCUPATIONS
- 015 NUCLEAR ENGINEERING OCCUPATIONS
- 017 DRAFTERS
- 018 SURVEYING/CARTOGRAPHIC OCCUPATIONS
- 019 OTHER OCCUPATIONS IN ARCHITECTURE, ENGINEERING, AND SURVEYING

OCCUPATIONS IN MATHEMATICS AND PHYSICAL SCIENCES

- 020 OCCUPATIONS IN MATHEMATICS
- 021 OCCUPATIONS IN ASTRONOMY
- 022 OCCUPATIONS IN CHEMISTRY
- 023 OCCUPATIONS IN PHYSICS
- 024 OCCUPATIONS IN GEOLOGY
- 025 OCCUPATIONS IN METEOROLOGY
- 029 OTHER OCCUPATIONS IN MATHEMATICS AND PHYSICAL SCIENCES

COMPUTER-RELATED OCCUPATIONS

- 030 OCCUPATIONS IN SYSTEMS ANALYSIS AND PROGRAMMING
- 031 OCCUPATIONS IN DATA COMMUNICATIONS AND NETWORKS
- 032 OCCUPATIONS IN COMPUTER SYSTEM USER SUPPORT
- 033 OCCUPATIONS IN COMPUTER SYSTEM TECHNICAL SUPPORT
- 039 OTHER COMPUTER-RELATED OCCUPATIONS

OCCUPATIONS IN LIFE SCIENCES

- 040 OCCUPATIONS IN AGRICULTURAL SCIENCES
- 041 OCCUPATIONS IN BIOLOGICAL SCIENCES
- 045 OCCUPATIONS IN PSYCHOLOGY
- 049 OTHER OCCUPATIONS IN LIFE SCIENCES

OCCUPATIONS IN SOCIAL SCIENCES

- 050 OCCUPATIONS IN ECONOMICS
- 051 OCCUPATIONS IN POLITICAL SCIENCE
- 052 OCCUPATIONS IN HISTORY
- 054 OCCUPATIONS IN SOCIOLOGY
- 055 OCCUPATIONS IN ANTHROPOLOGY
- 059 OTHER OCCUPATIONS IN SOCIAL SCIENCES

OCCUPATIONS IN MEDICINE AND HEALTH

- 070 PHYSICIANS AND SURGEONS
- 071 OSTEOPATHS
- 072 DENTISTS
- 073 VETERINARIANS
- 074 PHARMACISTS
- 075 REGISTERED NURSES
- 076 THERAPISTS
- 077 DIETICIANS
- 078 OCCUPATIONS IN MEDICAL AND DENTAL TECHNOLOGY
- 079 OTHER OCCUPATIONS IN MEDICINE AND HEALTH

OCCUPATIONS IN EDUCATION

- 090 OCCUPATIONS IN COLLEGE AND UNIVERSITY EDUCATION
- 091 OCCUPATIONS IN SECONDARY SCHOOL EDUCATION
- 092 OCCUPATIONS IN PRESCHOOL, PRIMARY SCHOOL, AND KINDERGARTEN EDUCATION
- 094 OCCUPATIONS IN EDUCATION OF PERSONS WITH DISABILITIES
- 096 HOME ECONOMISTS AND FARM ADVISERS
- 097 OCCUPATIONS IN VOCATIONAL EDUCATION
- 099 OTHER OCCUPATIONS IN EDUCATION

OCCUPATIONS IN MUSEUM, LIBRARY, AND ARCHIVAL SCIENCES

- 100 LIBRARIANS
- 101 ARCHIVISTS
- 102 MUSEUM CURATORS AND RELATED OCCUPATIONS
- 109 OTHER OCCUPATIONS IN MUSEUM, LIBRARY, AND ARCHIVAL SCIENCES

OCCUPATIONS IN LAW AND JURISPRUDENCE

- 110 LAWYERS
- 111 JUDGES
- 119 OTHER OCCUPATIONS IN LAW AND JURISPRUDENCE

OCCUPATIONS IN RELIGION AND THEOLOGY

- 120 CLERGY
- 129 OTHER OCCUPATIONS IN RELIGION AND THEOLOGY

OCCUPATIONS IN WRITING

- 131 WRITERS
- 132 EDITORS: PUBLICATION, BROADCAST, AND SCRIPT
- 139 OTHER OCCUPATIONS IN WRITING

OCCUPATIONS IN ART

- 141 COMMERCIAL ARTISTS: DESIGNERS AND ILLUSTRATORS, GRAPHIC ARTS
- 142 ENVIRONMENTAL, PRODUCT, AND RELATED DESIGNERS
- 149 OTHER OCCUPATIONS IN ART

OCCUPATIONS IN ENTERTAINMENT AND RECREATION

- 152 OCCUPATIONS IN MUSIC
- 159 OTHER OCCUPATIONS IN ENTERTAINMENT AND RECREATION

OCCUPATIONS IN ADMINISTRATIVE SPECIALIZATIONS

- 160 ACCOUNTANTS, AUDITORS, AND RELATED OCCUPATIONS
- 161 BUDGET AND MANAGEMENT SYSTEMS ANALYSIS OCCUPATIONS
- 162 PURCHASING MANAGEMENT OCCUPATIONS
- 163 SALES AND DISTRIBUTION MANAGEMENT OCCUPATIONS
- 164 ADVERTISING MANAGEMENT OCCUPATIONS
- 165 PUBLIC RELATIONS MANAGEMENT OCCUPATIONS
- 166 PERSONNEL ADMINISTRATION OCCUPATIONS
- 168 INSPECTORS AND INVESTIGATORS, MANAGERIAL AND PUBLIC SERVICE
- 169 OTHER OCCUPATIONS IN ADMINISTRATIVE OCCUPATIONS

MANAGERS AND OFFICIALS

- 180 AGRICULTURE, FORESTRY AND FISHING INDUSTRY MANAGERS AND OFFICIALS
- 181 MINING INDUSTRY MANAGERS AND OFFICIALS
- 182 CONSTRUCTION INDUSTRY MANAGERS AND OFFICIALS
- 183 MANUFACTURING INDUSTRY MANAGERS AND OFFICIALS
- 184 TRANSPORTATION, COMMUNICATION, AND UTILITIES INDUSTRY MANAGERS AND OFFICIALS
- 185 WHOLESALE AND RETAIL TRADE MANAGERS AND OFFICIALS
- 186 FINANCE, INSURANCE, AND REAL ESTATE MANAGERS AND OFFICIALS
- 187 SERVICE INDUSTRY MANAGERS AND OFFICIALS
- 188 PUBLIC ADMINISTRATION MANAGERS AND OFFICIALS
- 189 MISCELLANEOUS MANAGERS AND OFFICIALS

MISCELLANEOUS PROFESSIONAL, TECHNICAL, AND MANAGERIAL OCCUPATIONS

- 195 OCCUPATIONS IN SOCIAL AND WELFARE WORK
- 199 MISCELLANEOUS PROFESSIONAL, TECHNICAL, AND MANAGERIAL OCCUPATIONS

SALES PROMOTION OCCUPATIONS

297 FASHION MODELS

