

Justification for Nonsubstantive Change of Form ETA 9089

The changes to Form ETA 9089 Application for Permanent Employment Certification result from the promulgation of new regulations. The Department of Labor is amending its regulations to enhance program integrity and reduce the incentives and opportunities for fraud and abuse related to the permanent employment of aliens in the United States. The Final Rule provides a 180-day validity period for approved labor certifications. Employers will have 180 calendar days within which to file an approved permanent labor certification in support of Form I-140 Immigrant Petition for Alien Worker with the Department of Homeland Security's Bureau of Citizenship and Immigration Services (USCIS).

These regulatory changes must be reflected in the collection of information that is undertaken in the Form ETA 9089. The validity period is being added to the form as a courtesy to the employer and USCIS in order to definitively establish the date by which the employer must take the required action in filing the approved labor certification with USCIS since the new regulation mandates that the approval be valid only for 180 days.

These changes are illuminative in nature and do not alter or amend the information collection as originally delineated in OMB 1205-0451, which expires on 03/31/2008.