

NOTE TO REVIEWER

This Information Collection Request requests an extension of the current Form ETA 9089 as well as an extension of an approved modified version of the same form that was to replace the current form as soon as the electronic system was built to make it fillable and fileable. Unfortunately, technological problems prevented the Department from launching the new system within the last three years and the Department continues to use the “current” form. As the Department had promised previously, at no time will both versions, the current ETA Form 9089 and the modified version, be available to the public for use at the same time. Therefore, it continues to be necessary to have two forms approved to ensure the smooth transition from the currently approved form to the modified form. The current form is fillable and fileable on-line. The Department estimates it will take an additional year from the time of this submission to create and build the information technology system and debug that system for the modified form so that it is also operational as fillable and fileable and to allow major stakeholders to be trained on its use. The Department intends to continue using the current form up until the last minute of the date that the IT system for the modified form is fully operational and uploaded on the Internet and the current IT system and form can be removed from the Internet. The Department will notify the public of the changeover date through a notice in the Federal Register and will request approval for a non-substantive change to make the current form obsolete and render the modified form the only form under the control number 1205-0451.

Because the new system is still in the process of being built, the Department has discovered other minor changes that need to be made to the modified form. Therefore, attached to this request for extension is the modified form and instructions with highlighted changes.

The numbers and hours associated with the burden of this collection, as reflected in ROCIS, are for the current form only. The Supporting Statement, however, has the burden estimates for both the current form and the modified form. The decrease in burden hours is due to the economic downturn, which led to fewer applications for foreign labor being filed with the Department.

The Supporting Statement does not make reference to the percent of applications filed electronically. A portion of the applications are sent directly to the Department of Homeland Security. All of those are sent in paper form, which are downloaded from our website. However, a portion of those submitted to us are also sent in on paper rather than being submitted electronically. Therefore, only 80 percent of the applications are submitted electronically.