

**JUSTIFICATION FOR OMB APPROVAL
UNDER THE PAPERWORK REDUCTION ACT OF 1995
OF A NON-SUBSTANTIVE CHANGE TO AN ALREADY APPROVED
INFORMATION COLLECTION**

OMB Control Number: 1205-0310

Title: *Labor Condition Application for Nonimmigrant Workers*; This is a non-substantive request for OMB Control Number 1205-0310 that seeks to expand the number of digits that the Form ETA-9035 (paper) and Form ETA-9035E (electronic) forms will accept for Standard Occupational Classification (SOC) codes entries. The form instructions currently permit the entry of six digit SOC codes. In addition to the currently allowable six digit SOC codes, the Department of Labor (Department) requests the form instructions also permit the entry of eight digit SOC codes to allow filers to enter the additional two digits, as available and as the employer needs, to fully describe the requested position(s) for the job opportunity.

An employer seeking nonimmigrant workers for the H-1B, H-1B1, and E-3 programs files the Labor Condition Application (LCA), Form ETA-9035 or Form ETA-9035E, for approval from the Department's Office of Foreign Labor Certification for the requested H-1B, H-1B1, and E-3 position(s). The LCA request for the position(s) must include the pertinent SOC code for the employer's job opportunity. The current form and corresponding electronic filing system do not accept the entry of eight digit SOC codes. With system improvements to the electronic form, the Department will have the technology available to accept eight digit SOC codes and has determined that there are instances in which eight digit SOC codes will be of benefit to employers by providing greater specificity for positions requested. The Department does not seek to require the entry of eight digit SOC codes, but to, instead, permit the entry of

eight digit SOC codes for employers who would benefit from the availability and use of eight digit SOC codes for the LCA.

The Department requests a change to the Form ETA-9035CP instructions to provide the instruction that either six or eight digit SOC codes are acceptable for the required SOC code entry on the LCA. There is no impact to the estimated burden associated with this addition to the form instructions.

The Department has provided a 508 compliant version of the Form ETA-9035CP: *General Instructions for the 9035 & 9035E*. The Department is not proposing any changes to the paper Form ETA-9035; however, if OMB grants approval, the Department will include the change in its technology plan to update the electronic Form ETA-9035E to accept eight digit SOC codes.