



FLAG.DOL.GOV

Form ETA-9035 & 9035E

Labor Condition Application for Nonimmigrant Workers

H-1B, H1-B1 and E-3 Visas

FOREIGN LABOR APPLICATION GATEWAY

New Application

Cases

Profiles

My Network

FLAG works optimally with Google Chrome
FLAG works optimally with [Google Chrome](#), [Mozilla Firefox](#), and [Safari](#).

Choose an application

H-2B
Temporary Labor Certification for Non-agricultural Workers
[Learn more](#)

[Form ETA-9141](#)
Prevailing Wage Determination

[Form ETA-9142B](#)
Temporary Labor Certification

H-2A
Temporary Labor Certification for Agricultural Workers
[Learn more](#)

[Form ETA-790/790A](#)
Agricultural Clearance Order

[Form ETA-9142A](#)
Temporary Labor Certification

H-1B | H-1B1 | E-3
Labor Condition Application (LCA) for Specialty Occupations
[Learn more](#)

[Form ETA-9141](#)
Prevailing Wage Determination

[Form ETA-9035/9035E](#)
Labor Condition for Nonimmigrant Workers

CW-1
Transitional Worker Program in the Commonwealth of the Northern Mariana Islands
[Learn more](#)

[Form ETA-9141C](#)
Prevailing Wage Determination

[Form ETA-9142C](#)
Temporary Labor Certification

PERM
Permanent Employment Certification for Workers
[Learn more](#)

[Form ETA-9141](#)
Prevailing Wage Determination

Figure 1: Home Screen to choose an application for Form ETA-9035/9035E

**A Employment-Based Nonimmigrant
Visa Information****B** Temporary Need Information**C** Employer Information**D** Employer Point of Contact Information**E** Attorney or Agent Information
(if applicable)**F** Employment and Wage
Information**G** Employer Labor Condition Statements**H** H-1B Additional Employer Labor
Condition Statements**I/J** Employer Obligations**K** LCA Preparer**APP
A** Appendix A - Educational Attainment
Documentation

Employment-Based Nonimmigrant Visa Information

Please read and review the filing instructions carefully before completing the Form ETA-9035 or 9035E. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/>. In accordance with Federal Regulations at 20 CFR 655.730(b), incomplete or obviously inaccurate Labor Condition Applications (LCAs) will not be certified by the Department of Labor (DOL). For all submissions, both electronic (Form ETA-9035E) or paper (Form ETA-9035) where the employer has notified DOL that it will submit this form non-electronically due to a disability or received permission from DOL to file non-electronically due to lack of Internet access, ALL required fields/items containing an asterisk (*) must be completed.

A.1. Indicate the type of visa classification supported by this application * ?

- ☒ H-1B
☐ H-1B1 Chile
☐ H-1B1 Singapore
☐ E-3 Australian

Save & Quit

Continue

Figure 2: Section A –Employment Based Nonimmigrant Visa Information (Section A.1)



Form ETA-9035 & 9035E
Labor Condition Application for
Nonimmigrant Workers



Employment-Based Nonimmigrant Visa
Information



Temporary Need Information



Employer Information



Employer Point of Contact Information



Attorney or Agent Information
(if applicable)



Employment and Wage
Information



Employer Labor Condition Statements

Temporary Need Information

B.1. Job Title *

Anesthesiologist

B.2/B.3. SOC (ONET/OES) Code and Occupation Title *

29-1061.00 — Anesthesiologists

B.4. Is this a full-time position? *

☒ Yes

☐ No

B.5. Begin Date *

07/05/2021

X

B.6. End Date *

04/29/2022

X

Figure 3: Section B –Temporary Need Information (Section B.1 through B.6)



Form ETA-9035 & 9035E
Labor Condition Application for
Nonimmigrant Workers

✓ Employment-Based Nonimmigrant Visa Information

B Temporary Need Information

C Employer Information

D Employer Point of Contact Information

E Attorney or Agent Information
(if applicable)

F Employment and Wage Information

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Condition Statements

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K LCA Preparer

04/29/2022 X

B.7. Total Worker Positions Being Requested for Certification * ?

B.7a-f. Basis for the visa classification supported by this application
(indicate total workers in each applicable category)

a. New Employment *

b. Continuation of previously approved employment without change with the same employer *

c. Change in previously approved employment *

d. New concurrent employment *

e. Change in employer *

f. Amended petition *

Save & Quit

BackContinue

Figure 4: Section B –Temporary Need Information (Section B.7a through B.7f)



Form ETA-9035 & 9035E
Labor Condition Application for
Nonimmigrant Workers

✓

Employment-Based Nonimmigrant Visa
Information

✓

Temporary Need Information

C

Employer Information

✓

Employer Point of Contact Information

E

Attorney or Agent Information
(if applicable)

F

Employment and Wage
Information

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Employer Labor Condition Statements

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H-1B Additional Employer Labor
Condition Statements

Employer Information

Select an Employer profile to populate this section (optional) Populate

C.1. Legal Business Name * ?

C.2. Trade Name / Doing Business As (DBA), if applicable ?

C.12. Federal Employer Identification Number (FEIN from IRS) * ?

C.13. NAICS Code * ?

C.3. Address 1 * ?

Figure 5: Section C –Employer Information (Section C.1 through C.3)





Form ETA-9035 & 9035E
Labor Condition Application for
Nonimmigrant Workers

✓ Employment-Based Nonimmigrant Visa Information

✓ Temporary Need Information

C Employer Information

✓ Employer Point of Contact Information

E Attorney or Agent Information (if applicable)

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I/J Employer Obligations

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C.4. Address 2 (apartment/suite/floor and number) ?

C.8. Country * ?

C.5. City * ?

C.6. State * ?

C.7. Postal Code * ?

C.10. Telephone Number * ?



C.11. Extension ?

Save & Quit

Back

Continue

Figure 6: Section C –Employer Information (Section C.4 through C.11)

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Form ETA-9035 & 9035E
Labor Condition Application for
Nonimmigrant Workers

✓

Employment-Based Nonimmigrant Visa Information

✓

Temporary Need Information

✓

Employer Information

D

Employer Point of Contact Information

E

Attorney or Agent Information (if applicable)

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Employment and Wage Information

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Employer Labor Condition Statements

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H-1B Additional Employer Labor Condition Statements

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APP A

Appendix A - Educational Attainment Documentation

Employment Point of Contact Information

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.

Employer Name(s)

Select an Employer Point of Contact profile to populate this section (optional) Populate

D.1. Contact's Last (family) Name * 

D.2. First (given) Name * 

D.3. Middle name(s) 

D.4. Contact's Job Title * 

D.5. Address 1 * 

Figure 7: Section D – Employer Point of Contact Information (Section D.1 through D.5)



Form ETA-9035 & 9035E
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✓

Employment-Based Nonimmigrant Visa
Information

✓

Temporary Need Information

✓

Employer Information

D

**Employer Point of Contact
Information**

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Attorney or Agent Information
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Documentation

D.6. Address 2 (apartment/suite/floor and number) ?

D.10. Country * ?

UNITED STATES OF AMERICA

D.7. City * ?

Des Moines

D.8. State * ?

IOWA

D.9. Postal Code * ?

50310

D.12. Telephone Number * ?

US

+1 850 644 9549

D.13. Extension ?

D.14. Business e-mail address * ?

dhillon.dimple@dol.gov

Save & Quit

Back

Continue

Figure 8: Section D – Employer Point of Contact Information (Section D.6 through D.14)



Form ETA-9035 & 9035E
Labor Condition Application for
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✓

Employment-Based Nonimmigrant Visa Information

✓

Temporary Need Information

✓

Employer Information

✓

Employer Point of Contact Information

E

**Attorney or Agent Information
(if applicable)**

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Employment and Wage Information

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LCA Preparer

APP A

Appendix A - Educational Attainment Documentation

Attorney or Agent Information (if applicable)

The employer authorizes the attorney or agent identified in this section to act on its behalf in connection with the filing of this application.

Select an Attorney/Agent profile to populate this section (optional) Kristine Mena [Populate](#)

E.1. Is the employer represented by an attorney or agent in the filing of this application? *

☐ Attorney

☐ Agent

☒ None

[Save & Quit](#)[Back](#)[Continue](#)

Figure 9: Section E – Attorney or Agent Information (if applicable)(Section D.6 through D.14)



Form ETA-9035 & 9035E
Labor Condition Application for
Nonimmigrant Workers

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Employment-Based Nonimmigrant Visa Information

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Temporary Need Information

✓

Employer Information

✓

Employer Point of Contact Information

✓

Attorney or Agent Information (if applicable)

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LCA Preparer

APP A

Appendix A - Educational Attainment Documentation

Employment and Wage Information

The employer must define the intended place(s) of employment with as much geographic specificity as possible. Each intended place(s) of employer listed below must be the worksite or physical location where the work will actually be performed and cannot be a P.O. box. The employer must identify all intended places of employment, including those of short duration, on the LCA. 20 CFR655.730(c)(5).

F.12-F.14. Identify the source user for the prevailing wage (PW) * ?

☐ F.12. A Prevailing Wage Determination (PWD) issued by the Department of Labor

☐ F.13. A PW obtained independently from the Occupational Employment Statistics (OES) program

☒ F.14. A PW obtained using another legitimate source (other than OES) or an independent authoritative source

F.14a. Wage Level * ?

☒ CBA

☐ DBA

☐ SCA

☐ Other/PW Survey

F.14b. Source Year * ?

2017

F.1. Enter the estimated number of workers that will perform work at this place of employment under the LCA * ?

2

F.2. Indicate whether the worker(s) subject to this LCA will be placed with a secondary entity at this place of employment ?

☐ Yes

☒ No

Figure 10: Section F – Employment and Wage Information (Section F.12 through F.2)





Form ETA-9035 & 9035E
Labor Condition Application for
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Employment-Based Nonimmigrant Visa
Information

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Temporary Need Information

✓

Employer Information

✓

Employer Point of Contact Information

✓

Attorney or Agent Information
(if applicable)

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**Employment and Wage
Information**

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LCA Preparer

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Appendix A - Educational Attainment
Documentation



Application Documents

F.4. Address 1 * 

123 liberty street

F.5. Address 2 (apartment/suite/floor and number) 

F.6. City * 

mclean

F.8. State/District/Territory * 

VIRGINIA 

F.7. County * 

ARLINGTON 

F.9. Postal Code * 

22102

Minimum Wage Calculations

View minimum wages based on values entered for fields F.8 (state) and F.10a (per)

State Minimum Wage for **VIRGINIA**:
\$7.25 per Hour

Federal Minimum Wage:
\$7.25 per Hour

F.10. Wage Rate Paid to Nonimmigrant Workers 

From *

\$25.00

To

\$35.00

Figure 11: Section F – Employment and Wage Information (Section F.4 through F.10)

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Form ETA-9035 & 9035E
Labor Condition Application for
Nonimmigrant Workers

✓

Employment-Based Nonimmigrant Visa Information

✓

Temporary Need Information

✓

Employer Information

✓

Employer Point of Contact Information

✓

Attorney or Agent Information
(if applicable)

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APP A

Appendix A - Educational Attainment Documentation

📁

Application Documents

📄

Review & Submit

F.10a. Per *

☒ Hour

☐ Week

☐ Bi-Weekly

☐ Month

☐ Year

Minimum Wage Calculations

View minimum wages based on values entered for fields F.8 (state) and F.11a (per)

Federal Minimum Wage:
\$7.25 per Hour

F.11. Prevailing Wage Rate *

F.11a. Per *

☒ Hour

☐ Week

☐ Bi-Weekly

☐ Month

☐ Year

If you navigate away from this page without clicking the 'Add Place of Employment' button, your changes will be lost. Your entry will be displayed in the table below.

Add Place of Employment

Clear Form

1 Entries for Place of Employment

Use the fields above to enter the details of each additional place of employment, when applicable

Total Worker(s)	Address	Wage Rate	Actions
2	abcd street	\$45.00 - \$55.00 per Hour	...

Save & Quit

Back

Continue

Figure 12: Section F – Employment and Wage Information (Section F.10a through F.11a)

Employment-Based Nonimmigrant Visa
Information

Temporary Need Information



Employer Information



Employer Point of Contact Information

Attorney or Agent Information
(if applicable)Employment and Wage
Information**Employer Labor Condition
Statements**H-1B Additional Employer Labor
Condition Statements

Employer Obligations



LCA Preparer

Employer Labor Condition Statements

In order for your application to be processed, you MUST read Section G of the Form ETA-9035CP - General Instructions for the 9035 & 9035E under the heading "Employer Labor Condition Statements" and agree to all four (4) labor condition statements summarized below:

- 1. Wages:** The employer shall pay nonimmigrant workers at least the prevailing wage or the employer's actual wage, whichever is higher, and pay for non-productive time. The employer shall offer nonimmigrant workers benefits and eligibility for benefits provided as compensation for services on the same basis as the employer offers to U.S. workers. The employer shall not make deductions to recoup a business expense(s) of the employer including attorney fees and other costs connected to the performance of H-1B, H-1B1, or E-3 program functions which are required to be performed by the employer. This includes expenses related to the preparation and filing of this LCA and related visa petition information. 20 CFR 655.731;
- 2. Working Conditions:** The employer shall provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed. The employer's obligation regarding working conditions shall extend for the duration of the validity period of the certified LCA or the period during which the worker(s) working pursuant to this LCA is employed by the employer, whichever is longer. 20 CFR 655.732;
- 3. Strike, Lockout, or Work Stoppage:** At the time of filing this LCA, the employer is not involved in a strike, lockout, or work stoppage in the course of a labor dispute in the occupational classification in the area(s) of intended employment. The employer will notify the Department of Labor within 3 days of the occurrence of a strike or lockout in the occupation, and in that event the LCA will not be used to support a petition filing with the U.S. Citizenship and Immigration Services (USCIS) until the DOL Employment and Training Administration (ETA) determines that the strike or lockout has ended. 20 CFR 655.733;
- 4. Notice:** Notice of the LCA filing was provided no more than 30 days before the filing of this LCA or will be provided on the day this LCA is filed to the bargaining representative in the occupation and area of intended employment, or if there is no bargaining representative, to workers in the occupation at the place(s) of employment either by electronic or physical posting. This notice was or will be posted for a total period of 10 days, except that if employees are provided individual direct notice by e-mail, notification need only be given once. A copy of the notice documentation will be maintained in the employer's public access file. A copy of this LCA will be provided to each nonimmigrant worker employed pursuant to the LCA. The employer shall, no later than the date the worker(s) report to work at the place(s) of employment, provide a signed copy of the certified LCA to the worker(s) working pursuant to this LCA. 20 CFR 655.734.

G.1. **I have read and agree to** Labor Condition Statements 1, 2, 3, and 4 above and as fully explained in Section G of the Form ETA-9035CP - General Instructions for the 9035 & 9035E and the Department's regulations at 20 CFR 655 Subpart H. * ?

☒ Yes☐ No[Save & Quit](#)[Back](#)[Continue](#)

Figure 13: Section G – Employment Labor Condition Statements (Section G.1)





Form ETA-9035 & 9035E
Labor Condition Application for
Nonimmigrant Workers

✓

Employment-Based Nonimmigrant Visa Information

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Employer Information

✓

Employer Point of Contact Information

✓

Attorney or Agent Information (if applicable)

✓

Employment and Wage Information

✓

Employer Labor Condition Statements

H

H-1B Additional Employer Labor Condition Statements

I/J

Employer Obligations

K

LCA Preparer

APP A

Appendix A - Educational Attainment Documentation

H-1B: Additional Employer Labor Condition Statements

In order for your H-1B application to be processed, you MUST read Section H - Subsection 1 of the Form ETA 9035CP - General Instructions for the 9035 & 9035E under the heading "Additional Employer Labor Condition Statements" and answer the questions below.

Subsection 1

H.1. At the time of filing this LCA, is the employer H-1B dependent? * 

☒ Yes
☐ No

H.2. At the time of filing this LCA, is the employer a willful violator * 

☐ Yes
☒ No

H.3. Will the employer use this application ONLY to support H-1B petitions or extensions of status for exempt H-1B nonimmigrant workers? * 

☒ Yes
☐ No

H.4. Identify the statutory basis for the exemption of the H-1B nonimmigrant workers associated with this LCA. * 

☒ \$60,000 or higher annual wage
☐ Master's Degree or higher in related speciality
☐ Both

Save & Quit

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Figure 14: Section H: H-1B Additional Employer labor Condition Statements (Section H.1 through H.4)

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Form ETA-9035 & 9035E
Labor Condition Application for
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Employment-Based Nonimmigrant Visa
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Temporary Need Information



Employer Information



Employer Point of Contact Information



Attorney or Agent Information
(if applicable)



Employment and Wage
Information



Employer Labor Condition Statements



H-1B Additional Employer Labor
Condition Statements



Employer Obligations

Employer Obligations

Public Disclosure Information

I.1. Public disclosure information in the United States will be kept at:
(You must select one or both of the options listed in this Section.) * ?

- ☒ Employer's principal place of business
☐ Place of employment

Notice of Obligations

A. Upon receipt of the certified LCA, the employer must take the following actions: Print and sign a hard copy of the LCA if filing electronically (20 CFR 655.705(c)(3)); Maintain the original signed and certified LCA in the employer's files (20 CFR 655.705(c)(2)); 20 CFR 655.730(c)(3); and 20 CFR 655.760) Make a copy of the LCA, as well as necessary supporting documentation required by the Department of Labor regulations, available for public examination in a public access file at the employer's principal place of business in the U.S. or at the place of employment within one working day after the date on which the LCA is filed with the Department of Labor (20 CFR 655.705(c)(2) and 20 CFR 655.760).

B. The employer must develop sufficient documentation to meet its burden of proof with respect to the validity of the statements made in its LCA and the accuracy of information provided, in the event that such statements or information is challenged (20 CFR 655.705(c)(5) and 20 CFR 655.700(d)(iv)).

C. The employer must make this LCA, supporting documentation, and other records available to officials of the Department of Labor upon request during any investigation under the immigration and Nationality Act (20 CFR 655.760 and 20 CFR Subpart I).

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge, the information contained therein is true and accurate. I understand that to knowingly furnish materially false information in the preparation of this form and any supplemental thereto or to aid, abet, or counsel another to do so is a federal offense punishable fines, imprisonment, or both (18 U.S.C 2, 1001, 1546, 1621).

Figure 15: Section I/J: Employer Obligations (Section I.1)





Form ETA-9035 & 9035E
Labor Condition Application for
Nonimmigrant Workers

✓

Employment-Based Nonimmigrant Visa Information

✓

Temporary Need Information

✓

Employer Information

✓

Employer Point of Contact Information

✓

Attorney or Agent Information
(if applicable)

✓

Employment and Wage Information

✓

Employer Labor Condition Statements

✓

H-1B Additional Employer Labor Condition Statements

I/J

Employer Obligations

K

LCA Preparer

CFR 655.730(c)(3) ; and 20 CFR 655.760) Make a copy of the LCA, as well as necessary supporting documentation required by the Department of Labor regulations, available for public examination in a public access file at the employer's principal place of business in the U.s> or at the place of employment within one working day after the date on which the LCA is filed with the Department of Labor (20 CFR 655.705(c)(2) and 20 CFR 655.760).

B. The employer must develop sufficient documentation to meet its burden of proof with respect to the validity of the statements made in its LCA and the accuracy of information provided, in the event that such statements or information is challenged (20 CFR 655.705(c)(5) and 20 CFR 655.700(d)(iv)).

C. The employer must make this LCA, supporting documentation, and other records available to officials of the Department of Labor upon request during any investigaion under the immigration and Nationality Act (20 CFR 655.760 and 20 CFR Subpart I).

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge, the information contained therein is true and accurate. I understand that to knowingly furnish materially false information in the preparation of this form and any supplemental thereto or to aid, abet, or counsel another to do so is a federal offense punishable fines, imprisonment, or both (18 U.S.C 2, 1001,1546,1621).

J.1. Last (family) name of hiring or designated official * ?

Test1

J.2. First (given) name of hiring or designated official * ?

Test First

J.3. Middle Initial ?

J.4. Hiring or designated official title * ?

Test Manager

Save & Quit

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Figure 16: Section I/J: Employer Obligations (Section J.1 through J.4)



Form ETA-9035 & 9035E
Labor Condition Application for
Nonimmigrant Workers

- ✓ Employment-Based Nonimmigrant Visa Information
- ✓ Temporary Need Information
- ✓ Employer Information
- ✓ Employer Point of Contact Information
- ✓ Attorney or Agent Information (if applicable)
- ✓ Employment and Wage Information
- ✓ Employer Labor Condition Statements
- ✓ H-1B Additional Employer Labor Condition Statements
- ✓ Employer Obligations
- K LCA Preparer**

LCA Preparer

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.

K.1. Last (family) Name ?

Test last

K.2. First (given) Name ?

Test First

K.3. Middle Initial ?

K.4. Firm/Business Name ?

Mentor LLC

K.5. Email Address ?

rekhatetest@gmail.com

Save & Quit

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Figure 17: Section K: LCA Preparer (Section K.1 through K.5)



✓ Temporary Need Information

✓ Employer Information

✓ Employer Point of Contact Information

✓ Attorney or Agent Information (if applicable)

✓ Employment and Wage Information

✓ Employer Labor Condition Statements

✓ H-1B Additional Employer Labor Condition Statements

✓ Employer Obligations

✓ LCA Preparer

APP A Appendix A - Educational Attainment Documentation

Application Documents

Appendix A - Educational Attainment Documentation

You must complete and attach Appendix A with documentation for any H-1B nonimmigrant worker where the statutory exemption for that worker will be based only on the Master's or higher degree exemption. If the employer will claim the exemption for more than five (5) workers with different educational attainment information, the employer must report as many additional sections of educational attainment information as are necessary to cover all "exempt" H-1B nonimmigrant workers employed under the LCA.

Save & Quit

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Figure 18: Appendix A – Educational Attainment Documentation



✓ Temporary Need Information

✓ Employer Information

✓ Employer Point of Contact Information

✓ Attorney or Agent Information (if applicable)

✓ Employment and Wage Information

✓ Employer Labor Condition Statements

✓ H-1B Additional Employer Labor Condition Statements

✓ Employer Obligations

✓ LCA Preparer

✓ Appendix A - Educational Attainment Documentation

Application Documents

Review & Submit

Application Documents

Below, you will find a summary of the documents that you have uploaded to this application and their respective document categories below.

0 Uploaded Documents

Filename	Category	Actions
You have no documents. Additional documents will appear here.		

Save & Quit

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Figure 19: Application Documents



- ✓ Employment-Based Nonimmigrant Visa Information
- ✓ Temporary Need Information
- ✓ Employer Information
- ✓ Employer Point of Contact Information
- ✓ Attorney or Agent Information (if applicable)
- ✓ Employment and Wage Information
- ✓ Employer Labor Condition Statements
- ✓ H-1B Additional Employer Labor Condition Statements
- ✓ Employer Obligations
- ✓ LCA Preparer
- ✓ Appendix A - Educational Attainment Documentation
- ✓ Application Documents
- 📄 **Review & Submit**

Review & Submit

Select what form/section you would like to view:

- Select -

1205-0466
Expiration Date: XX/XX/XXXX

[Print Summary](#)

Labor Condition Application for H-1B, H-1B1 and E-3 Nonimmigrant Workers

Form ETA-9035CP

U.S. Department of Labor

IMPORTANT: Please read these instructions carefully before completing the Form ETA-9035 or 9035E – Labor Condition Application (LCA) for Nonimmigrant Workers. These instructions contain full explanations of the questions and attestations that make up the LCA, Form ETA-9035 and 9035E, with further information about the employer's obligations provided in 20 CFR 655 Subpart H. If the employer plans to file non-electronically, which is allowed only for certain reasons set out below, ALL required fields and items containing an asterisk (*) must be completed as well as any fields and items where a response is conditioned on the response to another required section/field or item as indicated by the section (§) symbol. In accordance with 20 CFR 655.740, once an LCA has been received from an employer, a determination will be made by the ETA Certifying Officer whether to certify the LCA or return it to the employer not certified. Where all items on the Form ETA- 9035 or 9035E are complete and do not contain obvious inaccuracies, the ETA Certifying Officer will certify the LCA within 7 working days of the date the LCA is received and date-stamped by the Department. If the LCA is not certified pursuant to 20 CFR 655.740(a)(2)(i) or (ii), the ETA Certifying Officer will return it to the employer, or the employer's authorized agent or representative, explaining the reason(s) for such return without certification. Except in the case of a disqualification issued by the Wage Hour Administrator, the employer may submit a corrected LCA to the Department for review, which shall be treated as a new LCA and processed on a "first come, first served" basis. Anyone who knowingly and willingly furnishes false information in the preparation of the Form ETA- 9035 or 9035E and any supplement thereto, or aids, abets, or counsels another to do so is committing a Federal offense under 18 U.S.C. 1001 or other provisions of law.

A: Employment-Based Nonimmigrant Visa Information	>
B: Temporary Need Information	>
C: Employer Information	>
D: Employer Point of Contact Information	>
E: Attorney or Agent Information (if applicable)	>
F: Employment and Wage Information	>
G: Employer Labor Condition Statements	>

Figure 20: Review and Submit



FLAS DOT.GOV



Employer Obligations



LCA Preparer



Appendix A - Educational Attainment Documentation



Application Documents



Review & Submit

H: H-1B Additional Employer Labor Condition Statements



I/J: Employer Obligations



K: LCA Preparer



APP A: Appendix A - Educational Attainment Documentation



Save & Quit

Back

Submit

Figure 21: Review and Submit (Continued)

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Please read and review the filing instructions carefully before completing the Form ETA-9035 or 9035E. A copy of the instructions can be found at <http://www.foreignlaborcert.dhs.gov/>. In accordance with Federal Regulations at 20 CFR 655.730(b), incomplete or obviously inaccurate Labor Condition Applications (LCAs) will not be certified by the Department of Labor (DOL). For all submissions, both electronic (Form ETA-9035E) or paper (Form ETA-9035 where the employer has notified DOL that it will submit this form non-electronically due to a disability or received permission from DOL to file non-electronically due to lack of Internet access), ALL required fields/items containing an asterisk (*) must be completed as well as any fields/items where a response is conditional as indicated by the section (§) symbol.

A. Employment-Based Nonimmigrant Visa Information

1. Indicate the type of visa classification supported by this application (Write classification symbol): *	H-1B
--	------

B. Temporary Need Information

1. Job Title * Job Title	
2. SOC (ONET/OES) code * 15-1199.08	3. SOC (ONET/OES) occupation title * Business Intelligence Analysts
4. Is this a full-time position? *	Period of Intended Employment
☒ Yes ☐ No	5. Begin Date * 7/30/2021 (mm/dd/yyyy)
	6. End Date * 3/31/2022 (mm/dd/yyyy)
7. Worker positions needed/basis for the visa classification supported by this application	
1 Total Worker Positions Being Requested for Certification *	
Basis for the visa classification supported by this application (indicate total workers in each applicable category)	
1 a. New employment *	0 d. New concurrent employment *
0 b. Continuation of previously approved employment without change with the same employer*	0 e. Change in employer *
0 c. Change in previously approved employment *	0 f. Amended petition *

C. Employer Information

1. Legal business name * CharityRun		
2. Trade name/Doing Business As (DBA), if applicable		
3. Address 1 * 844 Tulip		
4. Address 2		
5. City * Saipan	6. State * Northern Mariana Islands	7. Postal code * 99352
8. Country * United States Of America	9. Province	
10. Telephone number * +1 (509) 628-1619	11. Extension	
12. Federal Employer Identification Number (FEIN from IRS) * 12-3456789	13. NAICS code (must be at least 4-digits) * 111331	

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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(s)
Pasternak	Brian	David
4. Contact's job title *		
Human Resource Director		
5. Address 1 *		
1313 Mockingbird Lane		
6. Address 2		
Suite 200		
7. City *	8. State *	9. Postal code *
Columbia	Maryland	21045
10. Country *	11. Province	
United States Of America		
12. Telephone number *	13. Extension	14. E-Mail address
+1 (202) 555-5555	1234	bp@business.com

E. Attorney or Agent Information (If applicable)

Important Note: The employer authorizes the attorney or agent identified in this section to act on its behalf in connection with the filing of this application.

1. Is the employer represented by an attorney or agent in the filing of this application? *		☒ Yes ☐ No
If "Yes," complete the remainder of Section E below.		
2. Attorney or Agent's last (family) name §	3. First (given) name §	4. Middle name(s)
Mena	Kris	N/A
5. Address 1 §		
1313 Mockingbird Lane		
6. Address 2		
Suite 100		
7. City §	8. State §	9. Postal code §
Washington	District Of Columbia	11111
10. Country §	11. Province	
United States Of America	TCNNNN	
12. Telephone number §	13. Extension	14. E-Mail address
+1 (202) 555-5555		km@business.com
15. Law firm/Business name §		16. Law firm/Business FEIN §
Mena & Associates		34-5825332
17. State Bar number (only if attorney) §		18. State of highest court where attorney is in good standing (only if attorney) §
55555		Maryland
19. Name of the highest State court where attorney is in good standing (only if attorney) §		
Maryland Supreme Court		

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F. Employment and Wage Information

Important Note: The employer must define the intended place(s) of employment with as much geographic specificity as possible. Each intended place(s) of employment listed below must be the worksite or physical location where the work will actually be performed and cannot be a P.O. Box. The employer must identify all intended places of employment, including those of short duration, on the LCA. 20 CFR 655.730(c)(5). If the employer is submitting 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 this section. An employer has the option to use either a single Form ETA-9035/9035E or multiple forms to disclose all intended places of employment. If the employer has more than ten (10) intended places of employment at the time of filing this application, the employer must file as many additional LCAs as are necessary to list all intended places of employment. See the form instructions for further information about identifying all intended places of employment.

a. Place of Employment Information 1

1. Enter the estimated number of workers that will perform work at this place of employment under the LCA.*		1
2. Indicate whether the worker(s) subject to this LCA will be placed with a secondary entity at this place of employment.*		☐ Yes ☒ No
3. If "Yes" to question 2, provide the legal business name of the secondary entity. §		
4. Address 1 *		
1 state street		
5. Address 2		
6. City *		7. County *
bloomfield		Barnard
8. State/District/Territory *		9. Postal code *
Vermont		22042
10. Wage Rate Paid to Nonimmigrant Workers *		10a. Per: (Choose only one)*
From* \$ 60 . 00 To: \$ 65 . 00		☒ Hour ☐ Week ☐ Bi-Weekly ☐ Month ☐ Year
11. Prevailing Wage Rate *		11a. Per: (Choose only one)*
\$ 60 . 00		☒ Hour ☐ Week ☐ Bi-Weekly ☐ Month ☐ Year
Questions 12-14. Identify the source used for the prevailing wage (PW) (check and fully complete only one): *		
12. ☐ A Prevailing Wage Determination (PWD) issued by the Department of Labor		a. PWD tracking number §
13. ☐ A PW obtained independently from the Occupational Employment Statistics (OES) Program		
a. Wage Level (check one): §		b. Source Year §
☐ I ☐ II ☐ III ☐ IV ☐ N/A		
14. ☒ A PW obtained using another legitimate source (other than OES) or an independent authoritative source		
a. Source Type (check one): §		b. Source Year §
☐ CBA ☒ DBA ☐ SCA ☐ Other/ PW Survey		2021
c. If responded "Other/ PW Survey" in question 14.a, enter the name of the survey producer or publisher §		
d. If responded "Other/ PW Survey" in question 14.a, enter the title or name of the PW survey §		

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G. Employer Labor Condition Statements

Important Note: In order for your application to be processed, you MUST read Section G of the Form ETA-9035CP - General Instructions for the 9035 & 9035E under the heading "Employer Labor Condition Statements" and agree to all four (4) labor condition statements summarized below.

- (1) **Wages:** The employer shall pay nonimmigrant workers at least the prevailing wage or the employer's actual wage, whichever is higher, and pay for non-productive time. The employer shall offer nonimmigrant workers benefits and eligibility for benefits provided as compensation for services on the same basis as the employer offers to U.S. workers. The employer shall not make deductions to recoup a business expense(s) of the employer including attorney fees and other costs connected to the performance of H-1B, H-1B1, or E-3 program functions which are required to be performed by the employer. This includes expenses related to the preparation and filing of this LCA and related visa petition information. 20 CFR 655.731;
- (2) **Working Conditions:** The employer shall provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed. The employer's obligation regarding working conditions shall extend for the duration of the validity period of the certified LCA or the period during which the worker(s) working pursuant to this LCA is employed by the employer, whichever is longer. 20 CFR 655.732;
- (3) **Strike, Lockout, or Work Stoppage:** At the time of filing this LCA, the employer is not involved in a strike, lockout, or work stoppage in the course of a labor dispute in the occupational classification in the area(s) of intended employment. The employer will notify the Department of Labor within 3 days of the occurrence of a strike or lockout in the occupation, and in that event the LCA will not be used to support a petition filing with the U.S. Citizenship and Immigration Services (USCIS) until the DOL Employment and Training Administration (ETA) determines that the strike or lockout has ended. 20 CFR 655.733; and
- (4) **Notice:** Notice of the LCA filing was provided no more than 30 days before the filing of this LCA or will be provided on the day this LCA is filed to the bargaining representative in the occupation and area of intended employment, or if there is no bargaining representative, to workers in the occupation at the place(s) of employment either by electronic or physical posting. This notice was or will be posted for a total period of 10 days, except that if employees are provided individual direct notice by e-mail, notification need only be given once. A copy of the notice documentation will be maintained in the employer's public access file. A copy of this LCA will be provided to each nonimmigrant worker employed pursuant to the LCA. The employer shall, no later than the date the worker(s) report to work at the place(s) of employment, provide a signed copy of the certified LCA to the worker(s) working pursuant to this LCA. 20 CFR 655.734.

1. I have read and agree to Labor Condition Statements 1, 2, 3, and 4 above and as fully explained in Section G of the Form ETA-9035CP - General Instructions for the 9035 & 9035E and the Department's regulations at 20 CFR 655 Subpart H. *

☒ Yes ☐ No

H. 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 H - Subsection 1 of the Form ETA 9035CP - General Instructions for the 9035 & 9035E under the heading "Additional Employer Labor Condition Statements" and answer the questions below.

a. Subsection 1

1. At the time of filing this LCA, is the employer H-1B dependent? §	☐ Yes ☒ No
2. At the time of filing this LCA, is the employer a willful violator? §	☒ Yes ☐ No
3. If "Yes" is marked in questions H.1 and/or H.2, you must answer "Yes" or "No" regarding whether the employer will use this application <u>ONLY</u> to support H-1B petitions or extensions of status for exempt H-1B nonimmigrant workers? §	☐ Yes ☒ No
4. If "Yes" is marked in question H.3, identify the statutory basis for the exemption of the H-1B nonimmigrant workers associated with this LCA. §	☐ \$60,000 or higher annual wage ☐ Master's Degree or higher in related specialty ☐ Both
H-1B Dependent or Willful Violator Employers -Master's Degree or Higher Exemptions ONLY	
5. Indicate whether a completed Appendix A is attached to this LCA covering any H-1B nonimmigrant worker for whom the statutory exemption will be based <u>ONLY</u> on attainment of a Master's Degree or higher in related specialty. §	☐ Yes ☐ No ☐ N/A

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If you marked "Yes" to questions H.a.1 (H-1B dependent) and/or H.a.2 (H-1B willful violator) and "No" to question H.a.3 (exempt H-1B nonimmigrant workers), you **MUST** read Section H – Subsection 2 of the Form ETA 9035CP – General Instructions for the 9035 & 9035E 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:** An H-1B dependent or willful violator employer is prohibited from displacing a U.S. worker in its own workforce within the period beginning 90 days before and ending 90 days after the date of filing of the visa petition. 20 CFR 655.738(c);
- B. **Secondary Displacement:** An H-1B dependent or willful violator employer is prohibited from placing an H-1B nonimmigrant worker(s) with another/secondary employer where there are indicia of an employment relationship between the nonimmigrant worker(s) and that other/secondary employer (thus possibly affecting the jobs of U.S. workers employed by that other employer), unless and until the employer subject to this LCA makes the inquiries and/or receives the information set forth in 20 CFR 655.738(d)(5) concerning that other/secondary employer's displacement of similarly employed U.S. workers in its workforce within the period beginning 90 days before and ending 90 days after the date of such placement. 20 CFR 655.738(d). Even if the required inquiry of the secondary employer is made, the H-1B dependent or willful violator employer will be subject to a finding of a violation of the secondary displacement prohibition if the secondary employer, in fact, displaces any U.S. worker(s) during the applicable time period; and
- C. **Recruitment and Hiring:** Prior to filing this LCA or any petition or request for extension of status for nonimmigrant worker(s) supported by this LCA, the H-1B dependent or willful violator employer must take good faith steps to recruit U.S. workers for the job(s) using procedures that meet industry-wide standards and offer compensation that is at least as great as the required wage to be paid to the nonimmigrant worker(s) pursuant to 20 CFR 655.731(a). The employer must offer the job(s) to any U.S. worker who applies and is equally or better qualified for the job than the nonimmigrant worker. 20 CFR 655.739.

6. **I have read and agree** to Additional Employer Labor Condition Statements A, B, and C above and as fully explained in Section H – Subsections 1 and 2 of the Form ETA 9035CP – General Instructions for the 9035 & 9035E and the Department's regulations at 20 CFR 655 Subpart H. §

☒ Yes ☐ No**I. Public Disclosure Information**

/ Important Note: You must select one or both of the options listed in this Section.

1. Public disclosure information in the United States will be kept at: *

- ☒
- Employer's principal place of business
-
- ☒
- Place of employment

J. Notice of Obligations

- A. Upon receipt of the certified LCA, the employer must take the following actions:
- Print and sign a hard copy of the LCA if filing electronically (20 CFR 655.730(c)(3));
 - Maintain the original signed and certified LCA in the employer's files (20 CFR 655.705(c)(2); 20 CFR 655.730(c)(3); and 20 CFR 655.760); and
 - Make a copy of the LCA, as well as necessary supporting documentation required by the Department of Labor regulations, available for public examination in a public access file at the employer's principal place of business in the U.S. or at the place of employment within one working day after the date on which the LCA is filed with the Department of Labor (20 CFR 655.705(c)(2) and 20 CFR 655.760).
- B. The employer must develop sufficient documentation to meet its burden of proof with respect to the validity of the statements made in its LCA and the accuracy of information provided, in the event that such statement or information is challenged (20 CFR 655.705(c)(5) and 20 CFR 655.700(d)(4)(iv)).
- C. The employer must make this LCA, supporting documentation, and other records available to officials of the Department of Labor upon request during any investigation under the Immigration and Nationality Act (20 CFR 655.760 and 20 CFR Subpart I).

I declare under penalty of perjury that I have read and reviewed this application and that to the best of my knowledge, the information contained therein is true and accurate. I understand that to knowingly furnish materially false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a federal offense punishable by fines, imprisonment, or both (18 U.S.C. 2, 1001, 1546, 1621).

1. Last (family) name of hiring or designated official *	2. First (given) name of hiring or designated official *	3. Middle initial §
Pandey	Liberty	
4. Hiring or designated official title *		
Business Analyst		
5. Signature *		6. Date signed *

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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 §		

L. U.S. Government Agency Use (ONLY)

By virtue of the signature below, the Department of Labor hereby acknowledges the following:

This certification is valid from _____ to _____.

Department of Labor, Office of Foreign Labor Certification

Certification Date (date signed) _____

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*The Department of Labor is not the guarantor of the accuracy, truthfulness, or adequacy of a certified LCA.***M. Signature Notification and Complaints**

The signatures and dates signed on this form will not be filled out when electronically submitting to the Department of Labor for processing, but **MUST** be complete when submitting non-electronically. If the application is submitted electronically, any resulting certification **MUST** be signed *immediately upon receipt* from DOL before it can be submitted to USCIS for final processing.

Complaints alleging misrepresentation of material facts in the LCA and/or failure to comply with the terms of the LCA may be filed using the WH-4 Form with any office of the Wage and Hour Division, U.S. Department of Labor. A listing of the Wage and Hour Division offices can be obtained at www.dol.gov/whd. Complaints alleging failure to offer employment to an equally or better qualified U.S. worker, or an employer's misrepresentation regarding such offer(s) of employment, may be filed with the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section, 950 Pennsylvania Avenue, NW, # IER, NYA 9000, Washington, DC, 20530, and additional information can be obtained at www.justice.gov. Please note that complaints should be filed with the Civil Rights Division, Immigrant and Employee Rights Section at the Department of Justice only if the violation is by an employer who is H-1B dependent or a willful violator as defined in 20 CFR 655.710(b) and 655.734(a)(1)(ii).

N. OMB Paperwork Reduction Act (1205-0310)

These reporting instructions have been approved under the Paperwork Reduction Act of 1995. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Your response is required to receive the benefit of consideration of your application. (Immigration and Nationality Act, Section 212(n) and (t) and 214(c)). Public reporting burden for this collection of information, which is to assist with program management and to meet Congressional and statutory requirements, is estimated to average 75 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, 200 Constitution Ave., NW, Box PPII 12-200, Washington, DC, 20210. (Paperwork Reduction Project OMB 1205-0310.) **Do NOT send the completed application to this address.**

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H.5. Attainment of Educational Degree for "Exempt" H-1B Nonimmigrants

a. Educational Attainment Information 1

1. Enter the number of "exempt" H-1B nonimmigrant workers based on attainment of a master's or higher degree (or its equivalent) in a specialty related to the intended employment.	1
2. Name of accredited or recognized institution that awarded the degree MIT	
3. Field of study in which the degree was awarded Industrial ENG	4. Date degree was awarded 6/11/2016

b. Educational Attainment Information 2

1. Enter the number of "exempt" H-1B nonimmigrant workers based on attainment of a master's or higher degree (or its equivalent) in a specialty related to the intended employment.	1
2. Name of accredited or recognized institution that awarded the degree Georgia Institute of Technology	
3. Field of study in which the degree was awarded ENG	4. Date degree was awarded 5/12/2011

c. Educational Attainment Information 3

1. Enter the number of "exempt" H-1B nonimmigrant workers based on attainment of a master's or higher degree (or its equivalent) in a specialty related to the intended employment.	
2. Name of accredited or recognized institution that awarded the degree	
3. Field of study in which the degree was awarded	4. Date degree was awarded

d. Educational Attainment Information 4

1. Enter the number of "exempt" H-1B nonimmigrant workers based on attainment of a master's or higher degree (or its equivalent) in a specialty related to the intended employment.	
2. Name of accredited or recognized institution that awarded the degree	
3. Field of study in which the degree was awarded	4. Date degree was awarded

e. Educational Attainment Information 5

1. Enter the number of "exempt" H-1B nonimmigrant workers based on attainment of a master's or higher degree (or its equivalent) in a specialty related to the intended employment.	
2. Name of accredited or recognized institution that awarded the degree	
3. Field of study in which the degree was awarded	4. Date degree was awarded

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