



Application for Permanent Employment Certification
Form ETA-9089
U.S. Department of Labor

IMPORTANT: Please review and read the filing instructions carefully before completing the Form ETA-9089. A copy of the instructions can be found at <https://www.dol.gov/agencies/eta/foreign-labor>. If you are not submitting these forms electronically, please complete ALL required fields/items containing an asterisk (*) and any fields/items where a response is conditional and must be completed if applicable as indicated by the section (§) symbol.

In accordance with Federal Regulations at 20 CFR 656.17(a)(1), incomplete applications will be denied by the Department of Labor. If submitting this form non-electronically, ALL fields/items must be completed. In fields/items for which there is no answer, enter "N/A" or "0" (zero) if the field/item is a number field. If submitting this form electronically, you may leave fields/items for which there is no answer blank, and, at the end of each page, you will be asked to confirm your desire to leave these fields/items blank. When the application is printed, all fields/items intentionally left blank will be automatically pre-populated with "N/A."

A. Employer Information

1. Legal Business Name *		
2. Trade Name/Doing Business As (DBA), if applicable §		
3. Address 1 *		
4. Address 2 (apartment/suite/floor and number) §		
5. City *	6. State *	7. Postal Code *
8. Country *	9. Province §	
10. Telephone Number *	11. Extension §	
12. Federal Employer Identification Number (FEIN from IRS) *	13. NAICS Code *	
14. Number of current employees on payroll in the area of intended employment *	15. Year Commenced Business * (if household, year issued FEIN)	
16. Is the employer a closely held corporation, partnership, or sole proprietorship in which the foreign worker has an ownership interest? *		☐ Yes ☐ No
17. Is there a familial relationship between the foreign worker and the owners, stockholders, partners, corporate officers, and/or incorporators? *		☐ Yes ☐ No

B. Employer 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 C, except when the attorney is an employee of the employer.

1. Contact's Last (family) Name *	2. First (given) Name *	3. Middle Name(s) §
4. Contact's Job Title *		
5. Address 1 *		
6. Address 2 (apartment/suite/floor and number) §		
7. City *	8. State *	9. Postal Code *
10. Country *	11. Province §	
12. Telephone Number *	13. Extension §	14. Business Email Address *

Application for Permanent Employment Certification
Form ETA-9089
U.S. Department of Labor



C. Attorney or Agent Information (If applicable)

1. Indicate the type of representation for the employer in the filing of this application. * (complete the remainder of this section if "Attorney" or "Agent" is marked)			Attorney	Agent	None
2. Attorney or Agent's Last (family) Name §		3. First (given) Name §		4. Middle Name(s) §	
5. Address 1 §					
6. Address 2 (apartment/suite/floor and number) §					
7. City §			8. State §	9. Postal Code §	
10. Country §			11. Province §		
12. Telephone Number §		13. Extension §	14. Law Firm/Business Email Address §		
15. Law Firm/Business Name §			16. Law Firm/Business FEIN §		
If "Attorney" is marked in question C.1 or an Attorney is acting as an "Agent", complete questions 17 to 19 below.					
17. State Bar Number(s) §			18. State of highest court where attorney is in good standing §		
19. Name of the highest state court where attorney is in good standing §					

D. Foreign Worker Information

1. A completed Appendix A identifying the foreign worker being sponsored for permanent employment by the employer named in Section A of this application is attached. *	Yes	No
2. Has the employer contracted with an agent or attorney that also represents the foreign worker covered by this application? *	Yes	No

E. Job Opportunity and Wage Information

1. Enter the valid Prevailing Wage Determination (PWD) case number issued by the Department of Labor to identify the job opportunity and prevailing wage(s) covered by this application. *						
2. If a valid PWD has <u>not</u> been obtained due to the employer being required, by notice from a Certifying Officer, to currently undergo supervised recruitment in accordance with 20 CFR 656.21, indicate whether a completed Form ETA-9141 is attached to this application. *		Yes	No	N/A		
3. Offered Wage *		4. Per (Choose only one) *				
From: \$. * To: \$.		Hour	Week	Bi-Weekly	Month	Year
5. Additional conditions about the offered wage. (Enter up to 500 characters) §						

Application for Permanent Employment Certification
Form ETA-9089
U.S. Department of Labor



F. Area of Intended Employment Information

a. Worksite Information

1. Type of worksite location that best describes where work will be performed (Choose only one): *			
a. ☐ Business premises			
b. ☐ Employer's private household (includes live-in and domestic household worker)			
c. ☐ Employee's private residence (when work is performed directly out of the residence)			
d. ☐ No <u>one</u> specific worksite address or physical location			
<i>If submitting this form non-electronically and marked "No one specific worksite address or physical location," enter "N/A" or "0" (zero), as appropriate, in questions 2- 7 below , mark questions 8 and 8a, and continue to Section F.b.</i>			
2. Worksite Address *			
3. Worksite Address § (apartment/suite/floor and number)			
4. City *		5. County *	
6. State/District/Territory *		7. Postal Code *	
8. MSA/OES Area Code *	8a. MSA Name/OES Area Title *		

b. Additional Worksites

1. Will work be performed in geographic areas other than the one identified in Section F.a above? *	☐ Yes ☐ No
2. If "Yes" is marked in question F.b.1, indicate whether a completed Appendix B is attached to this application. §	☐ Yes ☐ No ☐ N/A

c. Other Definable Geographic Area(s)

Complete this question only where the specific MSA(s) are not known or the expected area(s) of intended employment are dispersed over a wide geographical area. If submitting this form non-electronically, and not applicable, enter "N/A." If the job opportunity requires roving, travel or possible relocation, enter the phrase "Various Worksites," otherwise, enter "N/A" .

1. Identify the geographic area(s) where work will be performed. For example, this can include a listing of cities or townships/states, counties/states, or states located within a geographic region (up to 1,500 characters). §

Application for Permanent Employment Certification
Form ETA-9089
U.S. Department of Labor



G. Additional Job Opportunity Information and Other Requirements

1. Is this a permanent position offering full-time employment of generally 35 hours or more? *	☐ Yes ☐ No
2. Is the employer seeking permanent labor certification for a live-in household domestic service worker? *	☐ Yes ☐ No
2a. If "Yes" is marked in Question G.2, indicate whether the foreign worker possesses one year of paid experience as a live-in household domestic service worker? §	☐ Yes ☐ No ☐ N/A
2b. If "Yes" is marked in Question G.2, indicate whether the employer and foreign worker have executed the required employment contract? §	☐ Yes ☐ No ☐ N/A
2c. If "Yes" is marked in Question G.2b, indicate whether the employer provided a copy of the employment contract to the foreign worker? §	☐ Yes ☐ No ☐ N/A
3. Will the employer accept a foreign diploma/degree equivalent to the employer's required U.S. diploma/degree identified in Section F of the PWD identified in Question E.1? *	☐ Yes ☐ No ☐ N/A
4. Is the foreign worker currently working for the employer submitting this application? *	☐ Yes ☐ No
4a. If "Yes" in Question G.4, indicate whether the foreign worker only qualifies for the job opportunity by virtue of the employer's alternative requirements identified in Section F of the PWD identified in Question E.1. §	☐ Yes ☐ No ☐ N/A
4b. If "Yes" in Questions G.4 and G.4a, please select the applicable statement describing the employer's willingness to accept any suitable combination of education, experience, or training. §	☐ I ACCEPT ☐ I DO NOT ACCEPT
5. Is the employer relying solely on the experience the foreign worker gained while working for the employer, including as a contract employee to qualify him/her for the job opportunity covered by this application? *	☐ Yes ☐ No
5a. If "Yes" in Question G.5, did the foreign worker gain any of the qualifying experience with the employer in a position <u>substantially comparable</u> to the job opportunity identified in Section F of the PWD identified in Question E.1? §	☐ Yes ☐ No ☐ N/A
5b. If "Yes" in Question G.5, did the employer pay for any of the foreign worker's education or training necessary to satisfy any of the employer's requirements for the job opportunity identified in Section F of the PWD identified in Question E.1? §	☐ Yes ☐ No ☐ N/A

If "Yes" is marked in any of the questions below, complete one (1) section of the Form ETA-9089, Appendix C to provide a brief explanation justifying the response.

6. Does the job opportunity require the worker to live on the employer's premises? *	☐ Yes ☐ No
7. Does the job opportunity identified in Section F of the PWD identified in Question E.1 involve a combination of occupations? *	☐ Yes ☐ No
8. Is proficiency in a foreign language required or preferred to perform the job duties identified in Section F of the PWD identified in Question E.1? *	☐ Yes ☐ No
9. Do the job requirements identified in Section F of the PWD identified in Question E.1 exceed the Specific Vocational Preparation (SVP) level assigned to the occupation as shown in the O*NET Job Zones? *	☐ Yes ☐ No ☐ N/A
10. Did the employer use a credentialing service to qualify the foreign worker's education and/or experience requirements in Section F of the PWD identified in Question E.1? *	☐ Yes ☐ No ☐ N/A
11. Has the employer received payment of any kind for the submission of this application? *	☐ Yes ☐ No
12. Has the employer had a layoff in the occupation involved in this application or in a related occupation within the 6 months immediately preceding the filing of this application in the area of intended employment? *	☐ Yes ☐ No

Application for Permanent Employment Certification
Form ETA-9089
U.S. Department of Labor



H. Recruitment Information

a. Supervised Recruitment

1. Is the employer required, by notice from a Certifying Officer, to currently undergo supervised recruitment in accordance with 20 CFR 656.21? *	☐ Yes ☐ No
---	--

b. Occupation Type - All must complete this section.

Mark ONE appropriate box below: *	
☐	1a. This application is for a professional occupation (which includes a college or university teacher <u>not</u> selected using the competitive recruitment process) and the recruiting was conducted in accordance with 20 CFR 656.17(e)(1).
☐	1b. This application is for a non-professional occupation and the recruiting was conducted in accordance with 20 CFR 656.17(e)(2).
☐	1c. This application is for a college or university teacher <u>and</u> the candidate was selected using the competitive recruitment process in accordance with 20 CFR 656.18. (Skip c. and d. of Section H. and go to Appendix D)
☐	1d. None of the above apply because this application is for a Schedule A or shepherdder occupation .
☐	1e. None of the above apply because this application is for a professional athlete .

c. Professional/Non-Professional Recruitment Information

Complete this section if 1a or 1b is marked in Question H.b above.			
1a. Start date of SWA job order §		1b. End date of SWA job order §	
2. Is there a Sunday edition of a newspaper (of general circulation) in the area of intended employment? §		☐ Yes ☐ No	
2a. Name of newspaper of general circulation in which an advertisement was placed. §		2b. Advertisement date §	
3. Which of the following did the employer use to place the other advertisement for the job opportunity? (Choose only one) § ☐ Newspaper of general circulation ☐ Professional journal ☐ N/A			
3a. Name of newspaper or professional journal in which an advertisement was placed. §		3b. Advertisement Date §	

d. Additional Recruitment Requirements for Professional Occupations

Complete this section if 1a is marked in Question H.b above. A minimum of three (3) recruitment events listed below must be completed.					
☐	Job fair §	1a. From:		1b. To:	
☐	Employer website §	2a. From:		2b. To:	
☐	Job search website §	3a. From:		3b. To:	
☐	On-campus recruiting §	4a. From:		4b. To:	
☐	Trade or professional organization §	5a. From:		5b. To:	
☐	Private employment firm §	6a. From:		6b. To:	
☐	Employee referral program §	7a. From:		7b. To:	
☐	Campus placement office §	8a. From:		8b. To:	
☐	Local or ethnic newspaper §	9a. From:		9b. To:	

Application for Permanent Employment Certification
Form ETA-9089
U.S. Department of Labor



☐	Radio and/or TV advertisement §	10a. From:		10b. To:	
--------------------------	---------------------------------	------------	--	----------	--

e. Notice of Posting - All must complete this section.

Mark **ALL** that apply in the appropriate box(es) below:

☐	1a. Bargaining Representative Notice of this filing has been provided to the bargaining representative for workers in the occupation in which the foreign worker will be employed at least 30 days before, but not more than 180 days before, the date the application was filed.
☐	1b. No Bargaining Representative - Physical Notice Notice of this filing has been physically posted to employees for consecutive business days in a conspicuous location at the places of employment at least 30 days before, but not more than 180 days before, the date this application was filed.
☐	1c. No Bargaining Representative - Electronic Notice Notice of this filing has been disseminated electronically at least one (1) time, which is the employer's normal practice of informing current employees of job vacancies at least 30 days before, but not more than 180 days before, the date this application was filed.
☐	1d. No Bargaining Representative - In-House Media Notice of this filing has been disseminated using all in-house media, which is the employer's normal practice of informing current employees of job vacancies at least 30 days before, but not more than 180 days before, the date this application was filed.
☐	1e. No Bargaining Representative - Private Household Notice of this filing has been posted physically and/or disseminated electronically, in accordance with the employer's normal practice of informing current employees in the private household at least 30 days before, but not more than 180 days before, the date this application was filed.
☐	1f. The employer <u>DID NOT</u> post the notice of filing.

I. Employer Labor Condition Statements - All must complete this section. Applications for Professional Athletes must attest to only condition statements 1 - 7.

- (1) The offered wage equals or exceeds the prevailing wage determined pursuant to 20 CFR 656.40 and 656.41, and the wage the employer will pay to the foreign worker to begin work will equal or exceed the prevailing wage that is applicable at the time the foreign worker begins work or from the time the foreign worker is admitted to take up the certified employment.
- (2) The wage offered is not based on commissions, bonuses, or other incentives, unless the employer guarantees a prevailing wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage.
- (3) The employer has enough funds available to pay the wage or salary offered the foreign worker.
- (4) The employer will be able to place the foreign worker on the payroll on or before the date of the foreign worker's proposed entrance into the United States.
- (5) The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.
- (6) The employer's job opportunity is not:
 - (i) Vacant because the former occupant is on strike or locked out in the course of a labor dispute involving a work stoppage; or
 - (ii) At issue in a labor dispute involving a work stoppage.
- (7) The job opportunity's terms, conditions, and occupational environment are not contrary to Federal, state or local law.
- (8) The job opportunity has been and is clearly open to any U.S. worker.
- (9) The U.S. workers who applied for the job opportunity were rejected for lawful job-related reasons.
- (10) The job opportunity is for full-time, permanent employment for an employer other than the foreign worker.

1. I **certify** under penalty of perjury my knowledge of and compliance with the applicable Labor Condition Statements above covering the conditions of employment for the job opportunity and foreign worker covered by this application. 20 CFR 656.10(c). *

☐ Yes ☐ No

Application for Permanent Employment Certification
Form ETA-9089
U.S. Department of Labor



J. Preparer

Complete this section if the preparer of this application is a person other than the one identified in either Section B (employer point of contact) or Section C (attorney or agent) of this application.

1. Last (family) Name §		2. First (given) Name §	3. Middle Name(s) §
4. Law Firm/Business FEIN §	5. Law Firm/Business Name §		
6. Law Firm/Business Email Address §			

For Public Burden Statement, see the Instructions for Form ETA-9089.