

Office of Foreign Labor Certification

H-1B, H-1B1, E-3 Labor Condition Application (LCA) Filing Tips

March 2016

General Practice Tips for Filing:

- ✚ **Make sure to file timely!** LCAs require 7 working days for processing.
- ✚ **Check your iCERT account.** Try to access your iCERT account now to avoid delays.
- ✚ **Verify your Federal Employer Identification Number (FEIN).** Particularly for new users, ensure that your FEIN has been verified.
- ✚ **Mailed LCAs require special approval.** We strongly encourage electronic filing. Mailed LCAs will not be accepted without prior written permission from the OFLC Administrator.
- ✚ **Reuse a previous LCA.** To save data entry time, you can reuse an LCA that you previously created in the iCERT System.
- ✚ **Carefully review your LCA.** Re-check your LCA for accuracy prior to submission for processing.
- ✚ **Move on to USCIS after receiving your certification.** Once you receive a certification, you may proceed to the USCIS petition or visa process. OFLC does not receive the employer's signed LCA.
- ✚ **Check the status of your LCA.** Our iCERT System allows you to check the status of your pending LCA submission(s) at any time.

LCA Form ETA 9035E Tips (based on top deficiencies):

- ✚ **Section F.1 Rate of Pay.** If a wage range is entered in this field, you must ensure that the bottom wage amount (the "From" amount) is equal to or greater than the prevailing wage.
- ✚ **Section G.4 County.** Ensure that the entry in this field is for a county. **DO NOT enter a country or a numeric entry (e.g. United States, or a zip code)**. You may treat parishes or boroughs as counties for LCA filing purposes. Where a county does not exist, you may enter N/A or leave the field blank (e.g. Washington, D.C. does not have a county).
- ✚ **Section G Prevailing Wage.** If you obtained a Prevailing Wage Determination (PWD) from the National Prevailing Wage Center for entry in Section G.7a, ensure that your PWD validity dates are current and that the agency name in G.7 is entered using the words "NPWC", "National Prevailing Wage Center" or "District of Columbia". Any of these entries are permissible.
- ✚ **Section G OES Wage.** If an OES wage is used in Section G.11, please remember to enter the words "OFLC Online Data Center" in the field Section G.11b.

Helpful Resources:

The below information is also available on our OFLC website at the following URL:
<https://www.foreignlaborcert.doleta.gov/h-1b.cfm>

How to Contact the OFLC Chicago NPC

The OFLC has a dedicated LCA Help Desk at the Chicago NPC for general questions about the Labor Condition Application (LCA/ ETA Form 9035/ 9035E) for the H-1B, H-1B1 and E-3 programs or for questions regarding a specific LCA.

Email: LCA.Chicago@dol.gov
Phone: (312) 353-8100
Fax: (312) 353-6757, Attention: LCA Program Unit
Mail: U.S. Department of Labor, Office of Foreign Labor Certification, Chicago
National Processing Center, 11 West Quincy Court, IL 60604-2105,
Attention: LCA Program Unit

Electronic Filing of an LCA:

Employers may electronically complete and file LCAs (ETA Form 9035E) with the iCERT System at <http://icert.doleta.gov>.

Requesting Verification of a Federal Employer Identification Number (FEIN):

To have your FEIN verified by OFLC to file an LCA, employers may send FEIN documentation to the email, fax, or mailing address above with “Attn: LCA Business Verification Team”.

General H-1B, H-1B1 and E-3 Program Information

To obtain general information about the H-1B, H-1B1 and E-3 Programs, including a copy of the current LCA form (ETA Form 9035), program regulations and frequently asked questions, please visit the OFLC website at
<http://www.foreignlaborcert.doleta.gov>.

iCERT Technical Assistance

For technical assistance with your iCERT System account or iCERT account changes, please email the OFLC Portal Technical Help Desk at oflc.portal@dol.gov.

Employer Compliance Matters

For assistance with employer compliance matters such as wages, working conditions and enforcement of LCA requirements, you may contact the Department’s Wage and Hour Division at (866) 487-9243. Additional compliance assistance for employers, including factsheets and regulatory and interpretive materials is available on the Wage and Hour Division website at <http://www.dol.gov/whd>.