

November 16, 2018 Publication

---

## Topics

Immigration  
Construction

---

## Related People

Dustin J. O'Quinn  
oquinnd@lanepowell.com

---

## Related Practices & Industries

Construction  
Immigration

# DOL to Release New Form ETA 9035 for Labor Condition Applications on Nov. 19, 2018

## Immigration Legal Update

The Department of Labor (DOL) will publish a new version of Form ETA-9035 on November 19, 2018. This form is the required Labor Condition Application (LCA) for all H-1B, E-3 and H-1B1 petitions.

The new form requires:

- Employers estimate the number of H-1B, E-3 and H-1B1 employees at each location on the LCA,
- Employers indicate whether the sponsored workers will be placed offsite at an end-client or vendor,
- Employers disclose the address and company name for any offsite employment, and
- H-1B dependent employers or willful violators specify the basis for recruitment exemption, if any.

The new form will be mandatory on November 19; therefore, employers filing an LCA are immediately subject to the disclosure requirements listed above. The most significant changes affect employers who place individuals at third-party sites. The DOL's change is consistent with similar efforts in the Department of Homeland Security to implement stricter

requirements on third-party employment for specialty occupation workers.

*Should you have questions regarding any new requirement, please contact the Chair of Lane Powell's Immigration Department, Dustin O'Quinn at [oquinnd@lanepowell.com](mailto:oquinnd@lanepowell.com).*