

8/24/20


U.S. Department of Labor,
Employment and Training Administration,
Office of Foreign Labor Certification,
200 Constitution Avenue NW,
Box PPII 12-200, Washington, DC 20210

Please accept the below comments as public commentary for the proposed revision for the authority to conduct the information collection request (ICR) titled, "ETA Form 9089, Application for Permanent Employment Certification." They are meant to address shortcomings in the changes to the form.

- It is not unusual for Schedule A petitioners to obtain multiple Prevailing Wage Determinations (PWD) which were valid at the time of Form I-140 filing. Is it possible for a petitioner to enter multiple PWDs on Form 9089?
- The Final Determination is the document that the petitioner will submit to USCIS. It lacks critical elements required by USCIS: (a) the proffered wage; (b) petitioner address; (c) the beneficiary's date of birth; (d) the area of intended employment; (e) the petitioner's dba name. The General Instructions states the Dept of Labor will import various information from the PWD to verify information. It is not clear whether USCIS will have electronic access to the PWD, ETA Form 9089, and appendices. Thus, it is not clear if USCIS can determine the area of intended employment; the requirements; the duties; the proffered wage; and whether the position qualifies for the requested classification? These are necessary for proper adjudication of Forms I-140 by USCIS.
- ETA Form 9089:
 - Appendix A, Section B and D do not capture addresses of the organizations. This is needed.
 - Section C, 17-19 applies to attorneys. Can it capture information about agents who are also attorneys?
 - Page 17 of the instructions state that when the DOL enables the electronic filing system to receive electronic signatures, all parties will be required to electronically sign ETA Form 9089 prior to submission. Does that mean prior to submission with DOL, or with USCIS?
 - Page 7 of the Supporting Statement states that petitioners can upload documentation to the DOL's system, but will USCIS have electronic access to that documentation?
 - Can more questions be added to address possible family, friendship or other relationships which interfere with the job offer being open to all US workers?

Please address these issues before completion and issuance of the forms.

Thank you,


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