

(Instructions: This form may be downloaded and printed, then signed by the hiring department supervisor or chairperson.)

Verification of Labor Condition Application* And Confirmation to Pay Reasonable Cost for Return Trip

U.S. Citizenship and Immigration Services
California Service Center
ATTN: CAP EXEMPT H-1B Processing Unit
P.O. Box 30040
Laguna Niguel, CA 92607

Re: [name of applicant]

To Whom It May Concern:

Regarding the H1-B1 non-immigrant visa application for the above-captioned person, I hereby attest and affirm to the following items from the ETA 9035 or Labor Condition Application:

E (1) Wages: The employer attests that H-1B, H-1B1, or E-3 nonimmigrants will be paid wages which are at least the higher of the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question or the prevailing wage level for the occupational classification in the area of intended employment. By marking "Yes" in section F, the employer also attests that it will pay this nonimmigrant the required wage for time in nonproductive status due to a decision of the employer or due to the H-1B nonimmigrant's lack of a permit or license. The employer further attests that these nonimmigrants will be offered benefits and eligibility for benefits on the same basis, and in accordance with the same criteria, as offered to U.S. workers. (See 20 CFR 655.731)

E (2) Working Conditions: The employer attests that the employment of H-1B, H-1B1, or E-3 nonimmigrants in the named occupation will not adversely affect the working conditions of workers similarly employed. The employer further attests that H-1B nonimmigrants will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to similarly employed U.S. workers (See 20 CFR 655.732)

E(3) Strike, Lockout, or Work Stoppage: The employer attests that on the date the application is signed and submitted, there is not a strike, lockout, or work stoppage in the course of the labor dispute in the named occupation at the place of employment and that, if such a strike, lockout, or work stoppage occurs after the application is submitted, the employer will notify ETA within three (3) days of such occurrence and the application will not be used in support of a petition filing with INS for H-1B, H-1B1, or E-3 nonimmigrants to work in the same occupation at the place of employment until ETA determines the strike, lockout, or work stoppage has ceased. (See 20 CFR 655.733)

E (4) Notice: The employer attests that as of the date of filing, notice of labor condition application has been or will be provided to workers employed in the named occupation. Notice of the application shall be provided to workers through the bargaining representative, or where there is no such bargaining representative, notice of the filing shall be provided either through electronic notification to employees in the occupational classification for which nonimmigrants are sought. The employer also attests that each nonimmigrant employed pursuant to the application will be provided with a copy (or original, as appropriate) of the certified Form ETA 9035, and provided with a copy of ETA 9035CP if requested. As stated above, for H-1B1 and E-3 nonimmigrants, the employer must provide the certified Labor Condition Application to the nonimmigrant, who must follow the H-1B1 or E-3 procedures of USCIS and the Department of State. This notification shall be provided no later than the date the nonimmigrant reports to work at the place of employment. (See 20 CFR 655.734)

This will also confirm our intention to pay reasonable costs of same above-captioned person's return transportation to [the applicant's home country] in the event that he is dismissed prior to [end date] which is the expected expiration date of his H1-B1 visa.

Sincerely,

Signature and Title of Department Official

*Provisions related to Prevailing Wage and other working conditions [no strike or lock-out, open and timely posting, etc.].