

## DOL Proposes New LCA, H-1B Complaint Form

Article By:

Rebecca B. Schechter

---

Following through on its April 3, 2017, [announcement](#) that it was considering changes to the Labor Condition Application (LCA), the Department of Labor (DOL) published a notice in the Federal Register on August 3, 2017, of its proposed revisions to the ETA 9035 or LCA. A certified LCA must be included with every H-1B petition filed with the U.S. Citizenship and Immigration Services. DOL's Employment and Training Administration posted the proposed LCA on its website saying the changes would "better protect American workers, confront fraud, and increase transparency." DOL said it would accept comments until Oct. 2, 2017.

The revisions in the form reflect the focus of the Trump Administration on increased enforcement of third-party placement and on H-1B dependent employers. The new LCA asks whether the sponsored worker will be "placed with a secondary employer" and, if yes, asks for the legal name of the secondary employer. The new LCA also requires H-1B dependent employers to complete an additional list of questions set out in an appendix if the sponsored worker is exempt from H-1B dependency obligations. In addition, the attestation language in the form is more expansive. For example, the wage attestation in the new LCA specifies that employers may not deduct attorneys' fees or costs in connection with a visa petition.

At the same time it released its new LCA form, the DOL also posted its revised WH-4, Nonimmigrant Worker Information Form, which is the form individuals may use to submit complaints to DOL about fraud or misconduct in H-1B, H-1B1 or E-3 visa programs. This form is utilized by DOL's Wage and Hour Division, which is the office that conducts LCA audits.

©2025 Greenberg Traurig, LLP. All rights reserved.

---

National Law Review, Volume VII, Number 223

Source URL: <https://natlawreview.com/article/dol-proposes-new-lca-h-1b-complaint-form>