

**SUPPORTING STATEMENT**  
**Petition for Nonimmigrant Worker**  
**(Form I-129)**  
**OMB No. 1615-0009**

**A. Justification:**

1. This form is necessary for an employer to petition for an alien to come to the U.S. temporarily to perform services or labor, or to receive training, in the following categories: as an H-1B, H-1C, H-2A, H-2B, H-3, L-1, O-1, O-2, P-1, P-2, P-3, or Q nonimmigrant worker.

This form is also necessary for an employer to petition for an extension of stay or change of status for an alien as an E-1, E-2, E-3, R-1 or TN nonimmigrant. A petition is not required to apply for an E-1, E-2, or R-1 nonimmigrant visa or admission as a TN nonimmigrant. A petition is only required to apply for a change to one of these classifications.

**Authority:** 8 CFR 214.2(e)(1), (h)(2)(i)(A), (l)(2)(i), (o)(2)(i), (p)(2)(i), (q)(3)(i), and (r)(3).

2. The data collected on this form is used by the U.S. Citizenship and Immigration Services (USCIS) to determine eligibility for the requested immigration benefits. The form serves the purpose of standardizing requests for the benefit, and ensuring that the basic

information required to assess eligibility is provided by the applicants. This form is being revised (see table of changes).

3. The use of this form provides the most efficient means for collecting and processing the required data. Currently USCIS allows for e-filing of the Form I-129. <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=f3fe194d3e88d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=9059d9808bcbd010VgnVCM100000d1f1d6a1RCRD>
4. A review of the Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If the information is not collected, the USCIS will not be able to determine the alien's eligibility for the benefit sought.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. On February 5, 2008, USCIS published a 60-day notice in the Federal Register at 73 FR 6733. The 60-day notice announced that USCIS would be revising the Form I-129 and

provided a table of changes because the revision had not been completed or cleared through USCIS. However, since this form will expire May 31, 2008, USCIS could no longer wait until the form was revised. Accordingly, USCIS published a 30-day notice in the Federal Register announcing an extension of the Form I-129, and that USCIS would comply with the PRA requirements when the form was revised. USCIS did receive one comment from the public on the revision and will consider and address the comment prior to revising the form.

- 9. The USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
- 10. There is no assurance of confidentiality.
- 11. There are no questions of a sensitive nature.

12. <u>Annual Reporting Burden:</u>	<u>Form I-129</u>
a. Number of Respondents	368,948
b. Number of Responses per Respondent	1
c. Total Annual Response	368,948
d. Hours per Response	2.75
e. Total Annual Reporting Burden	1,014,607

The projected hours per response for this collection of information were derived by first breaking the process into three basic components:

Learning about the law and the form	60 minutes
Completion of the form	75 minutes

Assembling and Filing the form	30 minutes
Total Hours per Response	2 hrs. 45 minutes (2.75)

**Annual Reporting Burden**

**Total annual reporting burden hours is 1,014,607.** This figure was derived by multiplying the number of respondents (368,948) x frequency of response (1) x hours per response 2.75 hours (2 hrs. and 45 minutes) per response.

13. There are no capital or start-up costs associated with this information collection. However, there is a fee of \$340 for this information collection. Any cost burdens to respondents as a result of this collection are identified in question 14.

14. Annualized Cost Analysis:

Printing Cost	\$	1,287,607
Collecting and Processing	\$	124,154,713
Total Cost to Program	\$	125,442,320
Fee Charge	\$	125,442,320
Total Annual Cost to Government	\$	0

**Government Cost**

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (368,948) multiplied by the suggested base fee charge of \$340. (The fee includes the suggested average hourly rate for clerical, officer, and managerial time with benefits, plus a percent of the estimated overhead cost for printing, stocking,

distributing and processing of this form).

**Public Cost**

**The estimated annual public cost is \$ 135,588,390.**

This estimate is based on the number of respondents (368,948) x number of responses (1) x 2.75 hours (2 hours and 45 minutes) per response x \$10 (average hourly rate); plus the number of respondents (368,948) x the fee (\$340).

15. There has been an increase of 16,250 in the burden hours for this information collection. This can be attributed to a USCIS error in calculating the number of respondents by the time to complete the form. There has been an increase of \$7,378,960 in the cost for this information collection. This can be attributed to an increase in fee.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. USCIS will display the expiration date for OMB approval of this information collection.
18. USCIS does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods.**

Not applicable.

**C. Certification and Signature**

**D. PAPERWORK CERTIFICATION**

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations,

statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

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**Richard A. Sloan**

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**Date:**

Chief,

Regulatory Management Division,

U.S. Citizenship and Immigration Services.