

TABLE OF CHANGES
FORM I-129
03-06-09

Location	Current Form I-129	Changes or Description
Page 4, Form I-129 Instructions	<p>Completing Part A of the Supplement Form</p> <p>All U.S. employers seeking to classify an alien as an H-1B or H-1B1 Free Trade Nonimmigrant worker must complete Part A of the supplement form. An employer must answer all of the questions in the “Employer Information” Section.</p> <p>1. H-1B Dependent employer. An “H-1B dependent employer” means an employer that:</p> <p style="padding-left: 40px;">A. Has 25 or fewer full-time-equivalent employees who are employed in the United States and employs more than seven H-1B nonimmigrants.</p> <p style="padding-left: 40px;">B. Has at least 26 but not more than 50 full-time-equivalent employees who are employed in the United States and employs more than 12 H-1B nonimmigrants; or</p> <p style="padding-left: 40px;">C. Has at least 51 full-time-equivalent employees who are employed in the United States and employs H-1B nonimmigrant in a number that is equal to at least 15 percent of the number of such full-time-equivalent employees.</p> <p>2. Willful Violators. A willful violator is an employer whom the U.S. Secretary of Labor has found, after notice and opportunity for a hearing, to have willfully failed to meet a condition in section 212(n) of the Immigration and nationality Act.</p> <p>3. Exempt H-1B nonimmigrant. An</p>	<p>Completing Part A of the Supplement Form</p> <p>All U.S. employers seeking to classify an alien as an H-1B or H-1B1 Free Trade Nonimmigrant worker must complete Part A of the supplement form. An employer must answer all of the questions in the “Employer Information” Section.</p> <p>1. H-1B Dependent employer. An “H-1B dependent employer” means an employer that:</p> <p style="padding-left: 40px;">A. Has 25 or fewer full-time-equivalent employees who are employed in the United States and employs more than seven H-1B nonimmigrants.</p> <p style="padding-left: 40px;">B. Has at least 26 but not more than 50 full-time-equivalent employees who are employed in the United States and employs more than 12 H-1B nonimmigrants; or</p> <p style="padding-left: 40px;">C. Has at least 51 full-time-equivalent employees who are employed in the United States and employs H-1B nonimmigrant in a number that is equal to at least 15 percent of the number of such full-time-equivalent employees.</p> <p>NOTE: As of February 17, 2009, U.S. employers who receive funding under the Troubled Assets Relief Program (TARP), as described in the Employ American Workers Act (sec. 1611 of Div. A, Title XVI of Public Law 111-5) and seek to hire an H-1B nonimmigrant must comply with the H-1B Dependent</p>

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	<p>“exempt H-1B nonimmigrant” means an H-1B who:</p> <p>A. Receives wages (including cash bonuses and similar compensation) at an annual rate equal to at least \$60,000: or</p> <p>B. Has attained a master’s degree or higher (or its equivalent) in a specialty related to the intended employment.</p>	<p>Employer provisions. The H-1B Dependent Employer provisions apply regardless whether such U.S. employers are seeking exempt H-1B nonimmigrants.</p> <p>2. Willful Violators. A willful violator is an employer whom the U.S. Secretary of Labor has found, after notice and opportunity for a hearing, to have willfully failed to meet a condition in section 212(n) of the Immigration and nationality Act.</p> <p>3. Exempt H-1B nonimmigrant. An “exempt H-1B nonimmigrant” means an H-1B who:</p> <p>A. Receives wages (including cash bonuses and similar compensation) at an annual rate equal to at least \$60,000: or</p> <p>B. Has attained a master’s degree or higher (or its equivalent) in a specialty related to the intended employment.</p> <p>4. TARP funding. TARP funding refers to receipt of funds described in the Employ American Workers Act (sec. 1611 of Div. A, Title XVI of Public Law 111-5).</p>
<p>Page 13, Form I-129, H-1B Data Collection Supplement, Part A, Question 1</p>	<p>1. Employer Information – (<i>Check all items that apply</i>)</p> <p>a. Is the petitioner a dependent employer? No Yes</p> <p>b. Has the petitioner even been found to be a willful violator? No Yes</p>	<p>1. Employer Information – (<i>Check all items that apply</i>)</p> <p>a. Is the petitioner a dependent employer? No Yes</p> <p>b. Has the petitioner even been found to be a willful violator? No Yes</p>

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	<p>c. Is the beneficiary an exempt H-1B nonimmigrant? No Yes</p> <p>1. If yes, is it because the beneficiary's annual rate of pay is equal to at least \$60,000? No Yes</p> <p>2. Or is it because the beneficiary has a master's or higher degree in a specialty related to the employment? No Yes</p>	<p>c. Is the beneficiary an exempt H-1B nonimmigrant? No Yes</p> <p>1. If yes, is it because the beneficiary's annual rate of pay is equal to at least \$60,000? No Yes</p> <p>2. Or is it because the beneficiary has a master's or higher degree in a specialty related to the employment? No Yes</p> <p>d. Has the petitioner received TARP funding? No Yes</p>
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