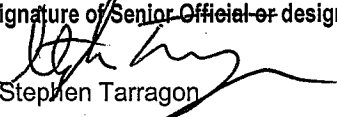


PAPERWORK REDUCTION ACT CHANGE WORKSHEET

Agency/subagency Department of Homeland Security, U.S. Citizenship and Immigration Services		OMB Control Number _____ 1615 _____ 0009 _____
<i>Enter only items that change</i>		
	Current record	New record
Agency form number (s) I-129		
Annual reporting and recordkeeping hour burden		
Number of respondents	368,948	371,038
Total annual responses		
Percent of these responses collected electronically	0 %	0 %
Total annual hours	1,014,607	1,020,354
Difference		5,747
Explanation of difference		5,747
Program change Adjustment		
Annual reporting and recordkeeping cost burden (in thousands of dollars)		
Total annualized Capital/Startup costs		
Total annual costs (O&M)		
Total annualized cost requested	\$125,442,320	\$118,732,160
Difference		-\$6,710,160
Explanation of difference		-\$6,710,160
Program change Adjustment		
Other changes** See attached justification, and table of changes.		
Signature of Senior Official or designee:  Stephen Tarragon	Date: 10/8/2009	For OIRA Use _____ _____

** This form cannot be used to extend an expiration date.

The increase in burden hours can be attributed to the Interim Rule titled "Commonwealth of the Northern Mariana Islands Transitional Worker Classification; RIN 1615-AB76. The decrease in cost is attributed to an error in USCIS' last submission. USCIS inadvertently listed the fee as \$340 instead of the correct fee of \$320.

There are also some minor non-substantive changes to the instructions and form. Public Law 110-229 sets forth a cap exemption for H classifications. It is self executing and is effective on November 28, 2009. USCIS is amending the instructions and form to:

- Include the "filing location" for petitions filed pursuant to Public Law 110-229 cap exemption.
- Direct such petitions to be file with the California Service Center.
- Adding the Commonwealth of Northern Mariana Islands (CNMI) to the California's jurisdictional list.
- Include check boxes for petitioners to request the Guam-CNMI cap exemption pursuant to Public Law 110-229.

A Table of Changes is attached.

**TABLE OF CHANGES – FORM
FORM I-129 – H VISA CATEGORY EXEMPTIONS
09-21-09
1615-0009**

Location	Current Language	Proposed Language
Page 8H Supplement	<p>4. Classification sought (<i>Check one</i>):</p> <p><input type="checkbox"/> H-1B1 Specialty Occupation</p> <p><input type="checkbox"/> H-1B2 Exceptional services relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD)</p> <p><input type="checkbox"/> H-1B3 Fashion model of national or international acclaim</p> <p><input type="checkbox"/> H-1C Registered Nurse</p> <p><input type="checkbox"/> H-2A Agricultural worker</p> <p><input type="checkbox"/> H-2B Non-agricultural worker</p> <p><input type="checkbox"/> H-3 Trainee</p> <p><input type="checkbox"/> H-3 Special education exchange visitor program</p>	<p>4. Classification sought (<i>Check one</i>):</p> <p><input type="checkbox"/> H-1B1 Specialty Occupation</p> <p><input type="checkbox"/> H-1B2 Exceptional services relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD)</p> <p><input type="checkbox"/> H-1B3 Fashion model of national or international acclaim</p> <p><input type="checkbox"/> H-1C Registered Nurse</p> <p><input type="checkbox"/> H-2A Agricultural worker</p> <p><input type="checkbox"/> H-2B Non-agricultural worker</p> <p><input type="checkbox"/> H-3 Trainee</p> <p><input type="checkbox"/> H-3 Special education exchange visitor program</p> <p>5. <input type="checkbox"/> Yes <input type="checkbox"/> No Are you filing this petition on behalf of an alien subject to the Guam–CNMI cap exemption under Public Law 110-229?</p>
H1B Data Collection and Filing Fee Exemption Supplement Page 15	<p>Part C. Numerical Limitation Information</p> <p>...</p> <p>7. <input type="checkbox"/> Yes <input type="checkbox"/> No Has the beneficiary of this petition earned a master's or higher degree from a U.S. institution of higher education, as defined in the Higher Education Act of</p>	<p>Part C. Numerical Limitation Information</p> <p>...</p> <p>7. <input type="checkbox"/> Yes <input type="checkbox"/> No Has the beneficiary of this petition earned a master's or higher degree from a U.S. institution of higher education, as defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. section</p>

	<p>1965, section 101(a), 20 U.S.C. section 1001(a)?</p>	<p>1001(a)?</p> <p>8. <input type="checkbox"/> Yes <input type="checkbox"/> No Is the beneficiary of this petition an alien subject to the Guam-CNMI cap exemption under Public Law 110-229?</p> <p>9. <input type="checkbox"/> Yes <input type="checkbox"/> No If the petition is to request a change of employer, was the beneficiary of this petition an alien who previously worked as an H-1B while subject to the Guam-CNMI cap exemption under Public Law 110-229?</p>

TABLE OF CHANGES – INSTRUCTIONS
FORM I-129 – H VISA CATEGORY EXEMPTIONS
09-21-09
1615-0009

Location	Current Language	Proposed Language
<p>Page 6, Completing Part C of the Supplement Form</p>	<p>Added New text after Part C</p>	<p>Public Law 110-229 provides that nonimmigrant workers admitted to Guam or the CNMI and who will perform work in Guam or the CNMI are exempt from the statutory caps for the H visa programs. The Form I-129 H Classification Supplement and H-1B Data Collection and Filing Fee Exemption Worksheet require employers to indicate whether they are subject to this cap exemption.</p>
<p>Page 19: Where to File?</p>	<p>Where to File?</p> <p>...</p> <p><u>California Service Center Filings</u></p> <p>File Form I-129 with the California Service Center if the beneficiary is or will be employed temporarily or receiving training in:</p> <p>Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.</p> <p>...</p>	<p>Where to File?</p> <p>...</p> <p><u>California Service Center Filings</u></p> <p>File Form I-129 with the California Service Center if the beneficiary is or will be employed temporarily or receiving training in:</p> <p>Alaska, Arizona, California, Commonwealth of Northern Mariana Islands (CNMI), Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.</p> <p>...</p>