

Table of Changes for the “Instructions to the Form I-129”
OMB No. 1615-0009
August 25, 2010

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<p>Page 1: What is the Purpose of This Form?</p>	<p>This form is used by an employer to petition the U.S. Citizenship and Immigration Services (USCIS) for an alien to come as a nonimmigrant to the United</p>	<p>This form is used by an employer to petition the U.S. Citizenship and Immigration Services (USCIS) for an alien beneficiary to come as a nonimmigrant to the United States temporarily to perform services or labor, or to receive training.</p>

	<p>States temporarily to perform services or labor, or to receive training, as an:</p> <ol style="list-style-type: none"> 1. H-1B, specialty occupation; an alien coming to perform services of an exceptional nature relating to a project administered by the U.S. Department of Defense; a fashion model who has national and international acclaim; an alien coming in accordance with a trade agreement with Chile or Singapore. 2. H-2A, temporary agricultural worker. 3. H-2B, temporary nonagricultural worker. 4. H-3, trainee. 5. L-1, intracompany transferee. 6. O-1, alien of extraordinary ability in arts, science, education, business or athletics. 7. O-2, accompanying alien who is coming to the United States to assist in the artistic or athletic performance of an O-1 artist or athlete. 8. P-1, internationally recognized athlete/entertainment group. 9. P-1S, essential support personnel for a P-1 10. P-2, artist or entertainer in reciprocal exchange program. 11. P-2S, essential support personnel for a P-2. 12. P-3, artist/entertainer coming to the United States to perform, teach or coach under a program that is culturally unique. 13. P-3S, essential support personnel for a P-3. 14. Q-1, alien coming 	<p>Form I-129 consists of the:</p> <ol style="list-style-type: none"> 1. Basic petition, 2. Individual supplements relating to specific classifications, and 3. The H-1B Data Collection and Filing Fee Exemption Supplement (required for H-1B classifications only). <p>These instructions are divided into two parts:</p> <p>PART 1: Classifications that always require a petition:</p> <p>E-2 CNMI, treaty investor exclusively in the Commonwealth of the Northern Mariana Islands (CNMI)</p> <p>H-1B, specialty occupations; an alien coming to perform services of an exceptional nature relating to a project administered by the U.S. Department of Defense; or a fashion model who has national and international acclaim.</p> <p>H-1C, registered nurse</p> <p>H-2A, temporary agricultural worker.</p> <p>H-2B, temporary nonagricultural worker.</p> <p>H-3, trainee.</p> <p>L-1, intracompany transferee.</p> <p>O-1, alien of extraordinary ability in arts, science, education, business or athletics.</p> <p>O-2, accompanying alien who is coming to the United States to assist in the artistic or athletic performance of an O-1 artist or athlete.</p> <p>P-1, major league sports</p> <p>P-1, internationally recognized athlete/entertainment group.</p> <p>P-1S, essential support personnel for a P-1.</p> <p>P-2, artist or entertainer in reciprocal exchange program.</p> <p>P-2S, essential support personnel for a P-2.</p> <p>P-3, artist/entertainer coming to the United States to perform, teach, or coach under a program that is culturally unique.</p> <p>P-3S, essential support personnel for a P-3.</p> <p>Q-1, alien coming temporarily to participate in an international cultural exchange program.</p> <p>R-1, religious worker</p>
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	<p>temporarily to participate in an international cultural exchange program.</p> <p>15. R-1, religious worker</p> <p>This form is used also by an employer to request an extension of stay or change of status for the following nonimmigrants:</p> <ol style="list-style-type: none"> 1. E-1, treaty trader. 2. E-2, treaty investor. 3. Free Trade Nonimmigrants, H-1B1s and TNs. <p>NOTE: A petition is not required for an E-1 or E-2 nonimmigrant visa or admission as a TN nonimmigrant from Canada or Mexico. A petition is also not required for an H-1B1 Free Trade Nonimmigrant from Chile or Singapore. These persons may apply directly to a U.S. Embassy or consulate abroad.</p> <p>A petition is required only to apply for a change or extension of stay in such status.</p> <p>NOTE: Form I-129 consists of a basic petition, individual supplements relating to specific classifications, and for H-1B petitions, the H-1B Data Collection and Filing Fee Exemption Supplement with its particular instructions (formerly issued separately as Form I-129W).</p> <p>The following Table of Contents will help you locate information on the form and each supplement:</p>	<p>PART 2: Classifications that require a petition only if the beneficiary is already in the United States and requesting an extension of stay or change of status:</p> <p>E-1, treaty trader.</p> <p>E-2, treaty investor (not including E-2 CNMI treaty investors).</p> <p>E-3, Free Trade Agreement professionals from Australia.</p> <p>Free Trade Nonimmigrants, H-1B1 aliens from Chile or Singapore and TN aliens from Canada or Mexico.</p> <p>[Delete the first “Note” which begins “A petition is not required for an E-1 or E-2 nonimmigrant visa...” Also delete the sentence “A petition is required only to apply “]</p> <p>NOTE: A petition must be always filed for an E-2 CNMI investor classification.</p>
<p>Page 2: Who May File This Form I-129?</p>	<p>General. *****</p> <p>Agents. *****</p>	<p>General. *****</p> <p>Agents. *****</p>

Including more than one alien in a petition. Multiple aliens who will seek admission in H-2A, H-2B, H-3, P-1, P-2, P-3, O-2 or Q-1 classification may be included on the same petition provided:

1. They will all be employed for the same period of time; and
2. They will all perform the same services, receive the same training or participate in the same international cultural exchange program.

Exception: H2-A and H-2B petitions for workers from countries not designated in accordance with paragraphs 8 CFR 214.2(h)(5)(i)(F)(1) and (h)(6)(i)(E)(1) should be filed separately. See www.uscis.gov web site for the list of participating countries.

NOTE: If the employer is seeking notification to multiple Ports of Entry or Pre-Flight Inspections (or requesting a change in the Port of Entry or Pre-Flight Inspections requested on Form I-129 that has already been approved), the employer should file Form I-824, Application for Action on an Approved Application or Petition, with appropriate fee, for each additional location that must be notified.

Multiple locations.

Naming Beneficiaries:

Including more than one alien in a petition. Multiple aliens who will seek admission in H-1C, H-2A, H-2B, H-3, P-1, P-2, P-3, O-2, or Q-1 classification may be included on the same petition provided:

1. They will all be employed for the same period of time; and
2. They will all perform the same services, receive the same training ,or participate in the same international cultural exchange program.

Exception: H-2A and H-2B petitions for workers from countries not listed on the respective “Eligible Countries List” should be filed separately. See www.uscis.gov for the list of H-2A and H-2B participating countries.

[Delete “NOTE: If the employer...” section]

Multiple locations.

Naming Beneficiaries. All beneficiaries in a petition must be named except for an H-2A agricultural worker or an H-2B temporary nonagricultural worker. **Exceptions:** You must provide the name, date of birth, country of birth, and country of nationality of all H-2A and H-2B workers when: (1) the petition is filed for a worker who is a national of a country not designated by the Secretary of Homeland Security as eligible to participate in the H-2A or H-2B program, or; (2) the beneficiary is in the United States. In addition, USCIS may require the petitioner to name H-2B beneficiaries where the name is needed to establish eligibility for H-2B nonimmigrant status.

Where some or all of the beneficiaries are not named, specify the total number of unnamed beneficiaries and total number of beneficiaries in the petition.

<p>Page 2: General Filing Instructions.</p>	<p>General Filing Instructions.</p> <p>Complete the basic form and any relating supplement. Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "N/A." If the answer is "none," write none.</p> <p>If you need extra space to answer any item, attach a sheet(s) of paper with your name and your Alien Registration Number(A#), if any, and indicate the number of the item to which the answer refers. You must file your petition with the required initial evidence. The petition must be properly signed and filed with the proper fee.</p> <p>NOTE: Submit the petition and all supporting documentation in duplicate if you would like the Department of State to be notified of the approval of this petition.</p>	<p>General Filing Instructions.</p> <ol style="list-style-type: none"> 1. Complete the basic form and any relating supplement. 2. Type or print legibly in blue or black ink. 3. If extra space is needed to complete any item, go to Part 9 Explanation Page, indicate the item number, and date and sign the sheet. 4. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none." 5. Submit a duplicate copy of the petition and all supporting documentation.
<p>Pages 2 - 3</p>	<p>Insert after section “General Filing Instructions”</p>	<p>Basis for Classification</p> <p>The following is an explanation of the choices listed on Page 2, Part 2, Item 2 of the Form I-129.</p> <p>a. New employment. Check this box if the beneficiary:</p> <ol style="list-style-type: none"> (1) is outside the U.S. and holds no classification, (2) is to begin employment for new U.S. employer in a different nonimmigrant classification than the alien currently holds, OR (3) will work for the <u>same</u> employer but in a different nonimmigrant classification. <p>b. Continuation of previously approved employment without change with the same employer. Check this box if applying to continue the employment of the beneficiary in the same nonimmigrant classification the beneficiary currently holds and there has been no change to the employment.</p> <p>c. Change in previously approved employment. Check this box if applying to notify USCIS of a non-material change to the previously approved employment such as a change in job title without a material change in job duties.</p>

d. New concurrent employment. Check this box if applying for a beneficiary to begin new employment with an additional employer in the same nonimmigrant classification the beneficiary currently holds while the beneficiary will continue working for his or her current employer in the same classification.

e. Change of employer. Check this box if applying for a beneficiary to begin employment working for a new employer in the same nonimmigrant classification that the beneficiary currently holds.

f. Amended Petition. Check this box if applying to notify USCIS of a material change in the terms or conditions of employment or training or the alien's eligibility as specified in the original approved petition. Additionally, petitioners requesting H-2A or H-2B substitutions should check this box

Requested Action

The following is an explanation of the types of action a petitioner/employer may choose for **Page 2, Part 2, Item 4** of the Form I-129. Choose only one action.

a. Notify the office in Part 4 so the person(s) can obtain a visa or be admitted. Check this box if the beneficiary is currently outside of the United States, or, if the alien is in the United States, he or she will leave the U.S. to obtain a visa/admission abroad.

b. Change the person(s) status and extend their stay since the person(s) are all now in the U.S. in another status. Check this box if the beneficiary is currently in the United States in a different nonimmigrant classification and is applying to change to a new, nonimmigrant status.

c. Extend the stay of the person(s) since they now hold this status. Check this box if the beneficiary is currently in the United States in a nonimmigrant classification and is requesting an extension of his or her stay in the same nonimmigrant classification.

d. Amend the stay of the person(s) since they now hold this status. Check this box if the beneficiary is currently in the United States in the same nonimmigrant classification and filing the petition to notify USCIS of any material changes in the terms and conditions of employment, training or the beneficiary's eligibility as specified in the original approved petition.

e. Extend the status of a nonimmigrant classification based on a Free Trade Agreement. Check this box if the beneficiary is currently in the United States based on a Free Trade Agreement (H-1B1 Chile/Singapore or TN classification) and is requesting an extension of his or her stay in that same classification.

f. Change status to a nonimmigrant classification based on a Free Trade Agreement. Check this box if the beneficiary is currently in the United States in a different nonimmigrant classification and is applying to change to a nonimmigrant classification based on a Free Trade Agreement (H-1B1

		Chile/Singapore or TN classification).
Page 3	Insert before section “Classification - Initial Evidence”	<p>Certification Pertaining to the Release of Controlled Technology or Technical Data to Foreign Persons in the United States</p> <p><u>U.S. Export Controls on Release of Controlled Technology or Technical Data to Foreign Persons.</u> The Export Administration Regulations (EAR) (15 CFR Parts 770-774) and the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130) require U.S. persons to seek and receive authorization from the U.S. Government before releasing to foreign persons in the United States controlled technology or technical data. Under both the EAR and the ITAR, release of controlled technology or technical data to foreign persons in the United States—even by an employer—is deemed to be an export to that person’s country or countries of nationality. One implication of this rule is that a U.S. company must seek and receive a license from the U.S. Government before it releases controlled technology or technical data to its nonimmigrant workers employed as H-1B, L-1 or O-1A beneficiaries.</p> <p><u>Requirement to Certify Compliance with U.S. Export Control Regulations.</u> The U.S. Government requires each company or other entity to certify that it has reviewed the EAR and ITAR and determined whether it will require a U.S. Government export license to release controlled technology or technical data to the beneficiary. If an export license is required, then the company or other entity must further certify that it will not release or otherwise provide access to controlled technology or technical data to the beneficiary until it has received from the U.S. Government the required authorization to do so. The petitioner must indicate whether or not a license is required on Page 6, Part 7 of Form I-129.</p> <p><u>Controlled Technology and Technical Data.</u> The licensing requirements described above will affect only a small percentage of petitioners because most types of technology are not controlled for export or release to foreign persons. The technology and technical data that are, however, controlled for release to foreign persons are identified on the EAR’s Commerce Control List (CCL) and the ITAR’s U.S. Munitions List (USML). The CCL is found at 15 CFF Part 774, Supp. 1. See http://www.access.gpo.gov/bis/ear/ear_data.html#ccl. The USML is at 22 CFR 121.1. See http://www.pmdt.state.gov/regulations_laws/itar.html. The EAR-controlled technology on the CCL generally pertains to that which is for the production, development, or use of what are generally known as “dual-use” items. The ITAR-controlled technical data on the USML generally pertains to that which is directly related to defense articles.</p> <p>The U.S. Department of Commerce’s Bureau of Industry and Security administers the CCL and is responsible for issuing licenses for the release to foreign persons of technology controlled under the EAR. The U.S. Department of State’s Directorate of Defense Trade</p>

		<p>Controls (DDTC) administers the USML and is responsible for issuing licenses for the release to foreign persons of technical data controlled under the ITAR. Information about the EAR and how to apply for a license from BIS are at www.bis.doc.gov. Specific information about EAR's requirements pertaining to the release of controlled technology to foreign persons is at www.bis.doc.gov/deemedexports. Information about the ITAR and how to apply for a license from DDTC are at www.pmdtc.gov. Specific information about the ITAR's requirements pertaining to the release of controlled technical data is at http://www.pmdtc.state.gov/faqs/license_foreignpersons.html.</p>
<p>Page 3</p>	<p>Classification - Initial Evidence.</p> <p>These instructions are divided into two parts.</p> <ol style="list-style-type: none"> 1. The first part includes classifications requiring a petition for an initial visa or entry and any extension of stay or change of status. 2. The second part includes classifications requiring only a petition for an extension of stay or change of status. 	<p>Classification - Initial Evidence.</p> <p>For all classifications, if a beneficiary is seeking a change of status or extension of stay, evidence of maintenance of status must be included with the new petition. If the beneficiary is employed in the U.S., the petitioner may submit copies of the last two paystubs and, when available, Form W-2, as well as a copy of the I-94 or I-797, Approval Notice.</p> <p>The beneficiary's dependent family members (generally, spouses and children under 21) should use Form I-539, Application to Change/Extend Nonimmigrant Status, to apply for a change of status or extension of stay.</p> <p>A nonimmigrant, who must have a passport to be admitted, must keep that passport valid during his or her entire stay. If a required passport is not valid, include a full explanation with the petition.</p> <p>The following nonimmigrants are not eligible to change status:</p> <ol style="list-style-type: none"> 1. An alien admitted under a visa waiver program; 2. An alien in transit (C) or in transit without a visa (TWOV); 3. A crewman (D); 4. A fiancé(e) (K-1) or his or dependent (K-2) 5. A spouse of a U.S. citizen (K-3) or his or her dependent (K-4); 6. A J-1 exchange visitor whose status was for the purpose of receiving graduate medical training (unless a waiver has been granted under section 214(l) of the Immigration and Nationality Act); 7. A J-1 exchange visitor subject to the foreign residence requirement who has not received a waiver of that requirement; and 8. An M-1 student to an H classification, if training received as an M-1 helped him or her qualify for H classification.
<p>Pages 3 - 6</p>	<p>Petition always required. *****</p> <p><u>H-1B</u></p> <p>An H-1B is an alien coming temporarily to perform services in a specialty occupation.</p>	<p>PART 1: Petition always required.</p> <p>The following classifications always require a petition.</p> <p>The initial evidence listed below and the initial evidence listed under the instructions for a change of status or extension of stay must be included with a petition for a new or concurrent employment or for an extension where there is a change in previously approved employment.</p>

Write **H-1B1** in the classification block.

1. Evidence that a labor condition application has been filed with the U.S. Department of Labor;

2. Evidence showing that the proposed employment qualifies as a specialty occupation;

3. Evidence showing that the alien has the required degree by submitting either:

A. A copy of the person's U.S. baccalaureate or higher degree as required by the specialty occupation;

B. A copy of a foreign degree and evidence that it is equivalent to the U.S. degree; or

C. Evidence of education and experience that is equivalent to the required U.S. degree.

4. A copy of any required license or other official permission to practice the occupation in the state of intended employment

5. A copy of any written contract between you and the alien or a summary of the terms of the oral agreement under which the alien will be employed.

An H-1B is also an alien coming to perform services of an exceptional nature relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD).

However, a petition for extension based on unchanged, previously approved employment should only be filed with the initial evidence required in the extension of stay instructions.

E-2 CNMI

An E-2 CNMI investor is an alien seeking to remain in the Commonwealth of Northern Mariana Islands (CNMI) under lawful immigration status in order to maintain an investment in the CNMI that was approved by the CNMI government prior to November 28, 2009. An E-2 CNMI investor classification is a classification specifically limited to an alien investor who has previously been granted a qualifying long term investor status under the laws of the CNMI. This classification allows an alien who currently holds the qualifying CNMI investor status granted by the CNMI government the ability to maintain an investment in the CNMI during the transition from CNMI immigration law to Federal immigration law. Nationality of the investor is not a qualifying factor in the issuance of an E-2 CNMI investor classification.

Write E-2C in the classification requested block.

The petition must be filed with documentary evidence of:

1. Qualifying CNMI immigration status as evidenced by a properly endorsed, unexpired CNMI admission document (e.g., entry permit, certificate, or foreign investor visa) reflecting lawful admission to the CNMI under CNMI immigration laws in one of the following status:

A. Long-term business investor status as evidenced by a Long - Term Business Certificate;

B. Foreign investor status as evidenced by a Foreign Investment Certificate;

C. Retiree investor status as evidenced by a Foreign Retirees Investment Certification or a Foreign Retiree Investment Certificate.

2. Maintaining investment, including but not limited to copies of an approval letter issued by the CNMI government; evidence that the capital has been invested; evidence that the applicant has invested at least the minimum amount required; and the following, depending on the type of investor:

For a holder of a foreign investment or long-term business certificate: copies of annual reports of investment activities in the CNMI containing sufficient information to determine whether the certificate holder is under continuing compliance with the standards of issuance, accompanied by annual financial audit reports performed by an independent certified public accountant;

For a retiree investor: evidence that he or she has an interest in property in the CNMI (e.g. lease agreement), evidence of the

An H-1B is also a fashion model, who has national or international acclaim and recognition, coming to be employed in a position requiring such a level of acclaim and recognition.

On October 21, 1998, Congress enacted the American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277, that modified the H-1B nonimmigrant program. On December 8, 2004, Congress enacted the Visa Reform Act of 2004.

Because of these two Acts, an H-1B or H-1B1 Free Trade Nonimmigrant petitioner must complete the H-1B supplement form, which is part of this petition. The supplement is used to collect additional information about the H-1B nonimmigrant worker and the H-1B petitioner (U.S. employer). It will also be used to determine whether the H-1B or H-1B1 Free Trade Nonimmigrant petitioner is exempt from the additional ACWIA filing fee and, if not exempt, the appropriate fee. (The supplement was formerly issued separately as Form I-129W.)

The H-1B Visa Reform Act of 2004 also imposed an additional fee of **\$500** for certain H or L petitions. On or after **March 8, 2005**, a U.S. employer seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another U.S. employer, must submit this additional **\$500** fee. **There are no exemptions from this fee.** This form will serve as

value of the property interest (e.g. an appraisal regarding the value of the property), and, as applicable, evidence of the value of the improvements on the property (e.g. receipts or invoices of the costs of construction, the amount paid for preexisting structure, or an appraisal of the improvements).

H-1B (3 Types)

An H-1B is an alien coming temporarily to perform services in a specialty occupation.

Write **H-1B** in the classification block.

1. Evidence that a labor condition application (LCA) has been certified by the U.S. Department of Labor;
2. Evidence showing that the proposed employment qualifies as a specialty occupation;
3. Evidence showing that the beneficiary has the required degree by submitting either:
 - A. A copy of the beneficiary's U.S. baccalaureate or higher degree as required by the specialty occupation;
 - B. A copy of a foreign degree and evidence that it is equivalent to the U.S. degree; or
 - C. Evidence of education and experience that is equivalent to the required U.S. degree.
4. A copy of any required license or other official permission to practice the occupation in the state of intended employment
5. A copy of any written contract between the petitioner and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed.
6. **Off-site Assignment of H-1B Beneficiaries:** Petitioners seeking to place the H-1B beneficiary off-site at a location other than their own location must answer general questions regarding this assignment on page 19, relating to: actual or prevailing wage; and assurance that all assignments will comply with the employment described in the H-1B petition, and applicable statute and regulations governing the H-1B nonimmigrant classification. Petitioners should advise the H-1B beneficiary of the off-site work site placement.

Additionally, petitioners should submit an itinerary that shows the dates and places of assignment if the beneficiary will be providing services at more than one location.

An H-1B is also an alien coming to perform services of an

the vehicle for collection of the \$500 fee.

H-1B and H-1B1 Data Collection and Filing Fee Exemption.

Who is required to file?

A U.S. employer seeking to classify an alien as an H-1B or H-1B1 Free Trade Nonimmigrant worker must file this supplement concurrently with Form I-129 and the appropriate fee. (See "What is the Filing Fee?" for additional information regarding the appropriate fee.)

Completing Part A of the Supplement Form.

All U.S. employers seeking to classify an alien as an H-1B or H-1B1 Free Trade Nonimmigrant worker must answer all of the questions in the "Employer Information" Section.

1. H-1B Dependent employer.

2. Willful Violators.

3. Exempt H-1B nonimmigrant.

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).

5. Highest education level.

Place an "X" in the appropriate box of **Part A, Number 3** ("a" through "i") of the supplement form that is most closely related to the highest formal education

exceptional nature relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD).

Write **H-1B2** in the classification requested block.

A U.S. employer may file the petition. The petition must be filed with:

1. A description of the proposed employment;
2. Evidence that the services and project meet the above conditions;
3. A statement listing the names of aliens who are currently or have been employed on the project within the past year, along with their dates of employment; and
4. Evidence that the beneficiary holds a baccalaureate or higher degree in the field of employment.

An H-1B is also a fashion model, who has national or international acclaim and recognition, coming to be employed in a position requiring such a level of acclaim and recognition.

Write H-1B3 in the classification requested block.

The petition must be filed by a U.S. employer or agent. Evidence must be submitted to establish that the beneficiary will be performing services, events or productions of a distinguished reputation, including:

1. Documentary evidence (such as certifications, affidavits, reviews) to establish the beneficiary is a fashion model of distinguished merit and ability. Affidavits submitted by present or former employers or recognized experts must set forth the expertise of the affiant and the manner in which the affiant acquired such information; and
2. Copies of any written contracts between the petitioner and the beneficiary or, if there is no written agreement, a summary of the terms of the oral agreement under which the beneficiary will be employed.

Three laws have been enacted which impact the filing of H-1B and/or L visa petitions. These laws are the American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277 (signed into law on October 21, 1998), the Visa Reform Act of 2004 (signed into law on December 8, 2004) and Public Law 111-230 (signed into law on August 13, 2010).

Because of ACWIA, an H-1B or H-1B1 Free Trade Nonimmigrant petitioner must complete the H-1B supplement form, which is part of this petition. The supplement is used to collect additional information about the H-1B nonimmigrant worker and the H-1B petitioner (U.S. employer). (The supplement was formerly issued separately as Form I-129W.) Moreover, H-1B and H-1B1 petitioners must complete the H-1B Data Collection and Filing Fee Exemption Supplement to determine applicability of the fees

level attained by the beneficiary. **DO NOT** consider work experience in determining the beneficiary's equivalency.

6. Major/Primary field of study. Use the beneficiary's degree transcripts to determine the primary field of study. Once the beneficiary's major is determined, fill in the boxes with one character per box; 30 characters maximum. **Do not** consider work experience to determine the beneficiary's major education level.

7. Master's or higher degree from a U.S. institution of higher education.

8. Rate of pay per year.

9. LCA Code. The LCA Code is a three-digit occupational group for professional, technical, and managerial occupations and fashion models that can be obtained from Appendix 2 of the Dictionary of Occupational Titles printed on U.S. Department of Labor ETA Form 9035, Labor Condition Application for H-1B Nonimmigrant.

10. NAICS Code.

Completing Part B of the Supplemental Form.

A U.S. employer seeking an exemption from the **\$1,500** or **\$750** filing fee must complete Part B. A U.S. employer is exempt from payment of the additional **\$1,500** or **\$750** filing fee if:

1. The employer is an institution of higher education as defined in the Higher Education Act of

mandated by the ACWIA, H-1B Visa Reform Act and/or Public Law 111-230.

The H-1B Visa Reform Act of 2004 imposes a Fraud Prevention and Detection Fee of **\$500** for certain H or L petitions. On or after **March 8, 2005**, a U.S. employer seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another U.S. employer, must submit this additional **\$500** fee. This fee does not apply to H-1B1 petitions. The Form I-129 will serve as the vehicle for collection of the **\$500** fee.

Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional \$2,000 (H-1B) or \$2,250 (L-1) fee mandated by Public Law 111-230 **if:**

1. the petitioner employs 50 or more individuals in the United States;
2. more than 50% of those employees are in H-1B or L nonimmigrant status; **and**
3. the petition is filed before October 1, 2014.

The Fraud Prevention and Detection Fee and Public Law 111-230 fee, when applicable, may not be waived, and each fee should be submitted in separate checks or money orders.

To determine whether a petitioner is subject to any of these three fees, the petitioner must complete the H-1B and H1B1 Data Collection and Filing Fee Exemption Supplement discussed below.

H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement.

An employer seeking to classify a beneficiary in H-1B classification (including H-1B1 Free Trade aliens from Chile and Singapore) must file this supplement. It is used to collect additional information about the H-1B employer and beneficiary. It is also used to determine the appropriate American Competitiveness and Workforce Improvement Act (ACWIA) fee and whether the beneficiary is subject to the H-1B numerical limitation (aka the H-1B Cap). The ACWIA fee may not be assessed to the beneficiary.

Who is required to submit this supplement?

A U.S. employer seeking to classify a beneficiary as an H-1B or H-1B1 Free Trade Nonimmigrant worker must file this supplement concurrently with Form I-129 and the appropriate fee. (See **"What is the Filing Fee?"** for additional information regarding the appropriate fee.)

Completing Part A of the Supplement Form.

All U.S. employers seeking to classify a beneficiary as an H-1B or H-1B1 Free Trade Nonimmigrant worker must answer all of the

<p>1965, section 101(a), 20 U.S.C. section 1001 (a); or</p> <p>2. The employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education. Institutions of higher education are defined in the Higher Education Act of 1965, section 101(a), 20U.S.C., section 1001(a). Such a nonprofit organization or entity includes but is not limited to hospitals and medical research institutions.</p> <p>"Related to" or "affiliated with" means the entity is:</p> <p>A. Connected or associated with the institution of higher education through shared ownership or control by a board or federation operated by the institution of higher education, or</p> <p>B. Attached to the institution of higher education as a member, branch, cooperative or subsidiary.</p> <p>3. The employer is a nonprofit research organization or governmental research organization that is primarily engaged in basic research and/or applied research." Nonprofit organization or entity" means the organization or entity is:</p> <p>A. Defined as a tax exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), (c)(4), or (c)(6); 26 U.S.C. 501(c)(3), (c)(4), or (c)(6), and</p> <p>B. Has been approved as a tax exempt organization for research or educational purposes by the Internal Revenue Service; or</p> <p>C. A Government research organization is a U.S.</p>	<p>questions in the "Employer Information" Section.</p> <p>1. H-1B Dependent employer. *****</p> <p>2. Willful Violators. *****</p> <p>3. Exempt H-1B nonimmigrant. *****</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>5. Highest education level. Place an "X" in the appropriate box of Part A, Number 2 of the supplement form that is most closely related to the highest formal education level attained by the beneficiary. DO NOT consider work experience in determining the beneficiary's equivalency.</p> <p>6. Major/Primary field of study. Use the beneficiary's degree transcripts to determine the primary field of study. Do not consider work experience to determine the beneficiary's major education level.</p> <p>7. Master's or higher degree from a U.S. institution of higher education. *****</p> <p>8. Rate of pay per year. *****</p> <p>9. DOT Code. The DOT Code is a three-digit occupational group for professional, technical, and managerial occupations and fashion models that can be obtained from the Dictionary of Occupational Titles. A reference chart can be found on our Web site (www.uscis.gov).</p> <p>10. NAICS Code. This is the North American Industry Classification System (NAICS) Code. This code can be obtained from the U.S. Department of Commerce, Census Bureau (www.census.gov/epcd/www/naics.htm). Enter the code from left to right, one digit in each of the six boxes. If you use a code with fewer than six digits, enter the code left to right and then add zeros in the remaining unoccupied boxes.</p> <p>For example, the code sequences 33466 would be entered as: 3 3 4 6 6 0 [Each number inside a separate box]</p> <p>The code sequences 5133 would be entered as: 5 1 3 3 0 0</p>
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	<p>Federal Government entity whose primary mission is the performance or promotion of basic research and/or applied research.</p> <p>4. This petition is the second or subsequent request for an extension of stay filed by the employer regardless of when the first extension of stay was filed or whether the \$1,500 or \$750 filing fee was paid on the initial petition or the first extension of stay; or</p> <p>5. This petition is an amended petition that does not contain any requests for extension of stay filed by the employer; or</p> <p>6. This petition is to correct a USCIS error; or</p> <p>7. The employer is a primary or secondary education institute; or</p> <p>8. The employer is a nonprofit entity which engages in an established curriculum-related clinical training or students register at the institution.</p> <p>What evidence is required under Part B? *****</p> <p>Completing Part C of the Supplemental Form.</p> <p>All U.S. employers must complete Part C even if they are not claiming the fee exemption in Part B.</p>	<p>[Each number inside a separate box]</p> <p>Completing Part B of the Supplemental Form.</p> <p>The petitioner must complete Part B to determine whether the petitioner must pay the ACWIA fee (\$1,500 or \$750, depending on the number of workers employed by the petitioner). The petitioner is exempt from payment of the ACWIA fee if it is at least one of the following:</p> <ol style="list-style-type: none"> 1. The employer is an institution of higher education as defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. 1001 (a); 2. The employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education. Institutions of higher education are defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. 1001(a). Such a nonprofit organization or entity includes, but is not limited to, hospitals and medical research institutions. <p>NOTE: "Related to" or "affiliated with" means the entity is:</p> <ol style="list-style-type: none"> A. Connected or associated with the institution of higher education through shared ownership or control by a board or federation operated by the institution of higher education, or B. Attached to the institution of higher education as a member, branch, cooperative, or subsidiary. <p>3. The employer is a nonprofit research organization or governmental research organization that is primarily engaged in basic research and/or applied research;</p> <p>NOTE: "Nonprofit organization or entity" means the organization or entity is:</p> <ol style="list-style-type: none"> A. Defined as a tax-exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), (c)(4), or (c)(6), 26 U.S.C. 501(c)(3), (c)(4), or (c)(6); and B. Has been approved as a tax-exempt organization for research or educational purposes by the Internal Revenue Service; or C. Is a Government research organization that is a U.S. Federal Government entity whose primary mission is the performance or promotion of basic research and/or applied research. <p>4. This petition is the second or subsequent request for an extension of stay filed by the employer regardless of when the first extension of stay was filed or whether the \$1,500 or \$750 filing fee was paid on the initial petition or the first extension of stay;</p> <p>5. This petition is an amended petition that does not contain any requests for extension of stay filed by the employer;</p>
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| | | <p>6. This petition is being filed to correct a USCIS error;</p> <p>7. The employer is a primary or secondary education institute;</p> <p>8. The employer is a nonprofit entity which engages in an established curriculum-related clinical training or students register at the institution.</p> <p>What evidence is required under Part B?</p> <p>Petitioners claiming exemption from payment of the \$1,500 or \$750 filing fee must submit a statement describing why the organization or entity is exempt from the filing fee.</p> <p>Completing Part C of the Supplemental Form.</p> <p>All petitioners must complete Part C to determine whether the beneficiary is subject to the H-1B cap.</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 filing on behalf of beneficiaries subject to this cap exemption.</p> |
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Insert before “H-2A” section

H-1C

An H-1C is an alien coming temporarily to perform services as a registered nurse at a qualifying healthcare facility. This classification expired on December 20, 2009.

Write **H-1C** in the classification requested block on the petition.

Petitioners should complete and sign relevant sections of the H Classification Supplement and additionally submit evidence that the beneficiary:

- 1.** Has obtained a health care worker certification or certified statement, in accordance with section 212(a)(5)(c) of the INA, from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or another approved credentialing organization;
- 2.** Has obtained a full and unrestricted license to practice nursing in the country where the alien obtained nursing education, or has received nursing education in the United States;
- 3.** Has passed the examination by the CGFNS, or has obtained a full and unrestricted (permanent) license to practice as a registered nurse in the State of intended employment, or has obtained a full and unrestricted (permanent) license in any State or territory of the United States and received temporary authorization to practice as a registered nurse in the State of intended employment;
- 4.** Is fully qualified and eligible under the laws governing the place of intended employment to practice as a registered nurse immediately upon admission to the United States (including such temporary or interim licensing requirements which authorize employment), and is authorized under such laws to be employed by the employer. For purposes of this paragraph, the temporary or interim licensing may be obtained immediately after the alien enters the United States; and
- 5.** Will be authorized by a State Board of Nursing to engage in registered nurse practice in a State or U.S. territory and will be practicing in a facility which provides health care services.
- 6.** The following must also be submitted:
 - A.** A current copy of the U.S. Department of Labor's notice of acceptance of the filing of its attestation on Form ETA 9081;
 - B.** A statement describing any limitations that the laws of the state or jurisdiction of intended employment place on each beneficiary's services;
 - C.** Evidence that each beneficiary's name on the petition meets the definition of a registered nurse as defined in 8 CFR 214.2(h)(3)(i) (A) and satisfies the requirements contained in Section 212(m)(1) of the Act;
 - D.** The employment contract; and

		<p>E. Evidence of each beneficiary’s previously granted classification in the past three years if he or she was in the United States during this time.</p> <p>Completing Section 2 of the H Classification Supplement to the Form I-129.</p> <p>All petitioners seeking workers in H-1C classification must complete Section 2 of the H Classification Supplement to Form I-129 (page 12 of the form).</p> <p><u>H-2A</u></p> <p>An H-2A is an alien coming temporarily to perform agricultural labor or services of a temporary or seasonal nature.</p> <p>Write H-2A in the classification block on the petition.</p> <p>The petition must be filed by a U.S. employer or its U.S. agent, or an association of U.S. agricultural producers named as a joint employer on the temporary labor certification. The petitioner, or employer (if different from the petitioner), and each joint employer must complete and sign relevant sections of the H Classification Supplement and additionally submit the following evidence:</p> <ol style="list-style-type: none"> 1. A single, valid temporary labor certification,* and 2. Copies of evidence showing that each named beneficiary meets the minimum job requirements stated in the certification at the time the labor certification application was filed. <p>*NOTE: Under certain emergent circumstances, as determined by USCIS, petitions requesting a continuation of employment with the same employer for 2 weeks or less are exempt from the temporary labor certification requirement. See 8 CFR 214.2(h)(5)(x).</p>
Page 8	<p><u>H-2B</u></p> <p>An H-2B is an alien coming temporarily to engage in non-agricultural employment that is seasonal, intermittent, peak load, or a one-time need.</p> <p>Write H-2B in the classification block on the petition.</p> <p>The petition must be filed by a U.S. employer with:</p> <ol style="list-style-type: none"> 1. A temporary labor certification from the U.S. Department of Labor, or the Governor of Guam if the proposed 	<p><u>H-2B</u></p> <p>An H-2B is an alien coming temporarily to engage in temporary nonagricultural services or labor that is based on the employer’s seasonal, intermittent, peakload, or one-time need.</p> <p>Write H-2B in the classification block on the petition.</p> <p>The petition must be filed by a U.S. employer, a U.S. agent, or a foreign employer filing through a U.S. agent. The petitioner must complete and sign relevant sections of the H Classification Supplement and additionally submit the following evidence:</p> <ol style="list-style-type: none"> 1. A temporary labor certification* from the U.S. Department of Labor, or the Governor of Guam (if the proposed employment is solely in Guam); and 2. If applicable, copies of evidence showing that each named beneficiary meets the minimum job requirements stated on the

employment is solely in Guam, stating that qualified U.S. workers are not available and that the employment of the alien workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.; and

2. Copies of evidence, such as employment letters and training certificates, showing that each named alien met the minimum job requirements states in the certification at the time the application was filed.

NOTE: Employers filing H-2B petitions for employment to commence on or after October 1, 2005, must submit an additional fee of **\$150**. The Save Our Small and Seasonal Businesses Act of 2005 authorized this **\$150** Fraud Prevention and Detection Fee.

temporary labor certification (such as employment letters and training certificates, etc.).

NOTE; Petitions filed on behalf of Canadian musicians who will be performing for one month or less within 50 miles of the U.S.-Canadian border do not require a temporary labor certification.

H-3 (Two types)

An H-3 is an alien coming temporarily to participate in a special education exchange visitor program in the education of children with physical, mental, or emotional disabilities.

Write **H-3** in the classification block on the petition.

Any custodial care of the children must be incidental to the training program. The petition must be filed by the U.S. employer, which must be a facility which has professionally trained staff and a structured program for providing education to children with disabilities and for providing training and hands-on experience to participants in the special education exchange visitor program. The petition must contain:

1. A description of the training, staff, facilities; evidence that the program meets the above conditions; and details of the beneficiary's participation in the program; and
2. Evidence showing that the beneficiary is nearing completion of a baccalaureate degree in special education, or already holds such a degree, or has extensive prior training and experience in teaching children with physical, mental, or emotional disabilities.

An H-3 is also an alien who is coming temporarily to receive training from an employer in any field other than graduate medical education or training.

Write **H-3** in the classification block on the petition.

The petition must be filed with:

1. A detailed description of the structured training program, including the number of classroom hours per week and the number of hours of on-the-job training per week;
2. A summary of the prior training and experience of each beneficiary in the petition; and
3. An explanation stating why the training is required, whether similar training is available in the beneficiary's country, how the training will benefit the beneficiary in pursuing a career abroad, the source of any remuneration the trainee will receive, and any benefit the petitioner will obtain by providing the training.

L-1A

L-1 (2 Types)

An L-1A is an alien coming temporarily to perform services in a managerial or executive capacity for the same employer (or for the parent, branch, subsidiary, or affiliate of the employer) that employed the alien abroad in a capacity that was managerial or executive in nature, or one that required specialized knowledge, for at least one continuous year within the last three years.

Write **L-1A** in the classification requested block on the petition.

A U.S. employer or foreign employer may file the petition, but the foreign employer must have a legal business entity in the United States.

An L-1B is an alien coming temporarily to perform services that require specialized knowledge for the same employer (or for the parent, branch, subsidiary, or affiliate of the employer) that employed the alien abroad (in a managerial, executive or specialized knowledge capacity) for at least one continuous year within the last three-years. **Specialized knowledge** is special knowledge of the petitioning employer’s product, service, research, equipment, techniques, management, or other interests and its application in international markets, or an advanced level of knowledge or expertise in the employing organization’s processes or procedures.

Write **L-1B** in the classification requested block on the petition.

General L Classification Requirements

Either the U.S. or foreign employer may file the petition. The petition must be submitted with:

1. Evidence establishing the existence of the qualifying relationship between the U.S. and foreign employer based on ownership and control, such as: an annual report, articles of incorporation, financial statements, or copies of stock certificates; NOTE: Whether such evidence will be sufficient to meet the petitioner’s burden of establishing such a qualifying relationship will depend on the quality and probative value of the evidence submitted.
2. A letter from the beneficiary’s foreign qualifying employer detailing his or her dates of employment, job duties, qualifications, and salary, along with supporting documentary evidence; and
3. A description of the proposed job duties and qualifications, and evidence showing that the proposed employment is in an executive, managerial, or specialized knowledge capacity.

Evidence for a New Office

If the beneficiary is coming to the United States to open a new office, additional evidence must be submitted to show the U. S.

employer:

1. Already has sufficient premises to house the new office;
2. Has or will have the required qualifying relationship to the foreign employer;
3. Has the financial ability to remunerate the beneficiary and to begin doing business in the United States including evidence which shows:
 - a. Size of the U.S. investment;
 - b. The organizational structure of both firms; and
 - c. The financial size and condition of the foreign employer.

If the petition is requesting L-1A classification, evidence to establish the intended U.S. operation will be capable of supporting the executive or managerial position within one year.

NOTE: There are additional fees associated with certain L-1A and L-1B petitions. Please see the “What is the Filing Fee?” section of these form instructions for further information about these fees.

L Blanket Petitions

An L Blanket petition simplifies the petitioning process for employers that seek L-1 workers on a continual basis by obtaining advance approval from USCIS that the requisite intracompany relationship exists. In obtaining an L Blanket petition, a qualified employer may file for any number of L-1A aliens and L-1B specialized knowledge professionals.

Write **LZ** in the classification requested block. Do not include an individual employee on the petition.

Submit evidence to establish that the employer (including its parent, branches, subsidiaries, and/or affiliates):

1. Is engaged in commercial trade or services;
2. Has an office in the United States that has been doing business for one year or more;
3. Has three or more domestic and foreign branches, subsidiaries, or affiliates, and
4. **(A)** Has obtained approved petitions for at least 10 L-1A managers or executives or L-1B specialized knowledge professional workers in the past 12 months; **(B)** has U.S. subsidiaries or affiliates with combined annual sales of at least \$25 million; or **(C)** has a U.S. workforce of at least 1,000 employees.

After approval of an L Blanket petition, the employer may file for individual employees to enter as either L-1A workers or L-1B specialized knowledge professionals under the L Blanket petition. If the beneficiary is outside the United States, file a Form I-129S, Nonimmigrant Petition Based on Blanket L Petition. If the beneficiary is already lawfully in the United States and is otherwise eligible for a change of nonimmigrant status to L-1A or L-1B, file a Form I-129 to request a change of status based on the blanket petition with the following:

		<ol style="list-style-type: none"> 1. A copy of the USCIS approval notice for the blanket petition; 2. A letter from the beneficiary’s foreign qualifying employer detailing his or her dates of employment, job duties and qualifications and salary for the previous 3 years; or, in the case of a beneficiary who is currently lawfully employed by a qualifying organization in the United States, a letter detailing the above with respect to the 3-year period prior to the beneficiary’s lawful admission to the United States and establishing that the beneficiary has been continuously employed lawfully by a qualifying organization since the time of lawful admission to the United States; 3. Evidence that the beneficiary has been lawfully employed by the petitioning organization since arriving in the United States; and 4. If the beneficiary is a specialized knowledge professional, evidence of that he or she has earned U.S. degree or foreign degree equivalent to a U.S. degree.
<p>Page 9</p>	<p><u>O-1A</u> An O-1A is an alien coming temporarily who has extraordinary ability in the sciences, education, business or athletics (not including the arts, motion picture, or television industry).</p> <p>Write O-1A in the classification block on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation with a peer group or labor management organization with expertise in the field. <p>If the above item cannot be obtained the consultation can be from a person of your (the employer’s) choosing with expertise in the alien’s area of ability (see General Evidence);</p> <ol style="list-style-type: none"> 2. A copy of any written contract between you (the employer) and the alien or a summary of the terms of the oral agreement under which the alien will be employed; 3. An explanation of the nature of the events or activities, the beginning and ending dates for the events or activities, and a copy of any itinerary for the events and activities; and 	<p><u>O-1A</u> An O-1A is an alien coming temporarily who has extraordinary ability in the sciences, education, business or athletics (not including the arts, motion picture, or television industry). The extraordinary ability must be demonstrated by sustained national or international acclaim.</p> <p>Write O-1A in the classification block on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation with a peer group or labor management organization with expertise in the field. <p>If the above item cannot be obtained the consultation can be from a person of the petitioner’s choosing who has expertise in the beneficiary’s area of ability (see General Evidence);</p> <ol style="list-style-type: none"> 2. A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed; 3. An explanation of the nature of the events or activities, the beginning and ending dates for the events or activities, and a copy of any itinerary for the events and activities; and 4. Evidence of the beneficiary’s extraordinary ability, such as receipt of major awards or prizes, documentation of the beneficiary’s membership in associations in the field which require outstanding achievements of their members, major published material by the beneficiary or relating to the beneficiary’s work, evidence of the beneficiary’s contributions to the field, evidence of the beneficiary’s original scholarly work or contributions to the field, evidence of the beneficiary’s high salary within the field, evidence that the beneficiary participated on a panel that judges the work of others in the field or evidence of the beneficiary’s prior employment in a critical or essential capacity for organizations and establishments that have a distinguished reputation.

4. Evidence of the alien's extraordinary ability, such as receipt of major awards or prizes, major published material by the alien or relating to the alien's work, evidence of the alien's contributions to the field, evidence of the alien's original scholarly work or contributions to the field, evidence of the alien's high salary within the field, evidence that the alien participated on a panel that judges the work of others in the field or evidence of the alien's prior employment in one or more critical capacities.

NOTE: If the preceding forms of evidence do not readily apply to the alien's field of endeavor, you may submit other comparable evidence.

O-1B

An O-1B is an alien coming temporarily who has extraordinary ability in the arts or extraordinary achievement in the motion picture or television industry.

Write **O-1B** in the classification block on the petition. The petition must be submitted with:

1. A written consultation from a peer group or person of your (the employer's) choosing with expertise in the alien's area of ability (see **General Evidence**). If the petition is based on the alien's extraordinary achievement in the motion picture or television industry, separate consultations are required from the relevant labor and management organizations;
2. A copy of any written contract between you (the employer) and the alien or a summary of the terms of the oral agreement under which the alien will be

NOTE: If the preceding forms of evidence do not readily apply to the beneficiary's field of endeavor, you may submit other comparable evidence.

O-1B

An O-1B is an alien coming temporarily who has extraordinary ability in the arts or extraordinary achievement in the motion picture or television industry.

Write **O-1B** in the classification block on the petition. The petition must be submitted with:

1. A written consultation from a peer group or person of the employer's choosing with expertise in the beneficiary's area of ability (see **General Evidence**). If the petition is based on the beneficiary's extraordinary achievement in the motion picture or television industry, separate consultations are required from the relevant labor and management organizations;
2. A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed;
3. Evidence that the beneficiary has received or been nominated for significant national or international awards or prizes in the field, such as an Academy Award, Emmy, Grammy, or Director's Guild Award, or at least three of the following:
 - A. Evidence that the beneficiary has performed or will perform as a lead or starring participant in productions or events that have a distinguished reputation;
 - B. Evidence that the beneficiary has achieved national or international recognition for achievements in the field;
 - C. Evidence that the beneficiary has a record of major commercial or critically acclaimed successes, as evidenced by ratings, box office receipts, etc.;
 - D. Evidence that the beneficiary has received significant recognition from organizations, critics, government agencies, or other recognized experts;
 - E. Evidence that the beneficiary commands or will command a high salary or other remuneration for services in relation to others in the field; or
 - F. Evidence that the beneficiary has performed in a lead or starring role for organizations that have a distinguished reputation.

NOTE: If the preceding forms of evidence do not readily apply to the beneficiary's field of endeavor, you may submit other comparable evidence.

O-2

An O-2 is an alien coming temporarily and solely to assist in the performance of an O-1 artist or athlete because he or she performs support services that are integral to the successful

	<p>employed;</p> <p>3. Evidence that the alien has received or been nominated for significant national or international awards or prizes in the field, such as an Academy Award, Emmy, Grammy, or Director’s Guild Award, or at least three of the following:</p> <ul style="list-style-type: none"> A. Evidence that the alien has performed or will perform as a lead or starring participant in productions or events that have a distinguished reputation; B. Evidence that the alien has achieved national or international recognition for achievements in the field; C. Evidence that the alien has a record of major commercial or critically acclaimed successes, as evidenced by ratings, box office receipts, etc.; D. Evidence that the alien has received significant recognition from organizations, critics, government agencies, or other recognized experts; E. Evidence that the alien commands or will command a high salary or other remuneration for services in relation to others in the field; or F. Evidence that the alien has performed in a lead or starring role for organizations that have a distinguished reputation. <p>NOTE: If the preceding forms of evidence do not readily apply to the alien’s field of endeavor, you may submit other comparable evidence.</p>	<p>performance of the O-1. No test of the U.S. labor market is required. The critical skills and experience with the O-1 must not be of a general nature nor possessed by U.S. workers.</p> <p>Write O-2 in the classification block on the petition.</p> <p>This form must be filed in conjunction with an O-1 petition and submitted with:</p> <ul style="list-style-type: none"> 1. A written consultation (see General Evidence); <ul style="list-style-type: none"> A. If it is for support of an athlete or an alien with extraordinary ability in the arts, the consultation must be from an appropriate labor organization; or B. If it is for support of an alien with extraordinary achievement in motion pictures or television, the consultation must be from an appropriate labor organization and management organization. 2. Evidence of the current essentiality, skills, and experience of the O-2 with the O-1. In the case of a specific motion picture or television production, the evidence must establish that significant production has taken place outside the United States and that the continuing participation of the alien is essential to the successful completion of the production.
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P-1A

A P-1A is an alien coming temporarily to perform at a specific athletic competition as an individual or as part of a group or team participating at an internationally recognized level of performance.

P-1 Major League Sports classification covers major league athletes, minor league sports, and any affiliates associated with the major leagues in baseball, hockey, soccer, basketball, and football. Support personnel includes: coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters.

Write **P-1A** in the classification block on the petition. The petition must be submitted with:

1. A written consultation (see **General Evidence**) with an appropriate labor organization;
2. A copy of the contract with a major U.S. sports league or team or contract in an individual sport commensurate with national or international recognition in the sport, if such contracts are normally utilized in the sport; and
3. Evidence of at least two of the following:
 - A. Substantial participation in a prior season with a major U.S. sports league;
 - B. Participation in international competition with a national team;
 - C. Substantial participation in a prior season for a U.S. college or university in intercollegiate competition;
 - D. A written statement from

P-1A or P-1 Major League Sports

A P-1A is an alien coming temporarily to perform at a specific athletic competition as an individual or as part of a group or team participating at an internationally recognized level of performance.

P-1 Major League Sports classification is for major league athletes, minor league sports, and any affiliates associated with the major leagues including, but not limited to, baseball, hockey, soccer, basketball, and football. Support personnel includes: coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters.

Write **P-1A** in the classification block on the petition. The petition must be submitted with:

1. A written consultation (see **General Evidence**) with an appropriate labor organization;
2. A copy of the contract with a major U.S. sports league or team or contract in an individual sport commensurate with national or international recognition in the sport, if such contracts are normally utilized in the sport; and
3. Evidence of at least two of the following:
 - A. Substantial participation in a prior season with a major U.S. sports league;
 - B. Substantial participation in a prior season for a U.S. college or university in intercollegiate competition;
 - C. Participation in international competition with a national team;
 - D. A written statement from a member of the sports media or a recognized expert in the sport which details how the beneficiary or team is internationally recognized;
 - E. A written statement from an official of a major U.S. sports league or official of the governing body for a sport that details how the beneficiary or team is internationally recognized;
 - F. That the beneficiary or team is ranked, if the sport has international rankings; or
 - G. That the beneficiary or team has received a significant honor or award in the sport.

	<p>an official of a major U.S. sports league or official of the governing body for a sport that details how the alien or team is internationally recognized;</p> <p>E. That the individual or team is ranked, if the sport has international rankings; or</p> <p>F. That the alien or team has received a significant honor or award in the sport.</p>	
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P-1B
A P-1B is an alien entertainer coming temporarily to perform as a member of a foreign-based entertainment group that has been recognized internationally as outstanding in the discipline for a substantial period of time, and who has had a substantial period of time, and who has had a sustained relationship (ordinarily for at least one year) with the group.

Write **P-1B** in the classification block on the petition. The petition must be submitted with:

1. A written consultation (see General Evidence) from an appropriate labor organization);
2. Evidence that the alien or group is internationally recognized in the discipline as demonstrated by the submission of evidence of the group’s receipt or nomination for significant international awards or prizes for outstanding achievement, or evidence of at least three of the following:
 - A. The alien or group has performed or will perform as a starring or leading group in productions or events with a distinguished reputation;
 - B. The alien or group has achieved international recognition and acclaim for outstanding achievement in the field;
 - C. The alien or group has a record of major commercial or critically acclaimed success;
 - D. The alien or group has received significant recognition for achievements from critics, organizations,

P-1B Entertainer or Entertainment Group
A P-1B is an alien entertainer coming temporarily to perform as a member of an entertainment group that has been recognized internationally as outstanding in the discipline for a substantial period of time, and who has had a substantial period of time, and who has had a sustained relationship with the group (ordinarily for at least one year).

Write **P-1B** in the classification block on the petition. The petition must be submitted with:

1. A written consultation (see General Evidence) from an appropriate labor organization);
2. Evidence that the beneficiary or group is internationally recognized in the discipline as demonstrated by the submission of evidence of the group’s receipt of or nomination for significant international awards or prizes for outstanding achievement, or evidence of at least three of the following:
 - A. The beneficiary or group has performed, and will perform as a starring or leading group in productions or events with a distinguished reputation;
 - B. The beneficiary or group has achieved international recognition and acclaim for outstanding achievement in the field;
 - C. The group has performed, and will perform, services as a star or leading group for organizations and establishments that have a distinguished reputation;
 - D. The beneficiary or group has a record of major commercial or critically acclaimed success;
 - E. The beneficiary or group has received significant recognition for achievements from critics, organizations, government agencies, or other recognized experts in the field; or
 - F. The beneficiary or group commands a high salary or other substantial remuneration for services compared to other similarly situated in the field.
3. Evidence that 75 percent of the members of the group have had a sustained and substantial relationship with the group for at least one year. Provide a list of the alien’s functions which are integral to the group’s performance.

By filing for a P-1 group, the petitioner certifies that at least 75 percent of the group members have been performing regularly together for at least 1 year. The 1-year requirement does not apply to circus groups coming to perform with nationally recognized circuses.

Attach a separate statement to the form to request a waiver of:

- A. The one-year relationship requirement due to exigent circumstances; or

- government agencies, or other recognized experts in the field; or
- E.** The alien or group commands a high salary or other substantial remuneration for services compared to other similarly situated in the field.

NOTE:

1. By filing for a P-1 group, the petitioner certifies that the group has been established and performing regularly for a period of at least one year, and that at least 75 percent of the members of the group have been performing with the group for at least one year. This one-year period requirement does not apply to circus groups coming to perform with nationally recognized circuses.

2. Use the “Supplementary Information” form to request a waiver of:

A. The one-year relationship requirement and the international recognition requirement based on emergent circumstances; or

B. The International recognition requirement because the group has been recognized nationally as outstanding in its discipline for a substantial period of time.

P-2

A P-2 is an alien coming temporarily to perform as an artist or entertainer, individually or as part of a group, under a reciprocal exchange program between an organization in the United States and an organization in another country.

Write **P-2** in the classification block on the petition.

The petition must be filed by the sponsoring organization or U.S.

B. The international recognition requirement **(1)** due to emergent circumstances, or **(2)** because the group has been nationally recognized as outstanding in its discipline for a sustained and substantial period of time.

P-2

A P-2 is an alien coming temporarily to perform as an artist or entertainer, individually or as part of a group, under a reciprocal exchange program between an organization in the United States and an organization in another country.

Write **P-2** in the classification block on the petition.

The petition must be filed by the sponsoring organization or U.S. employer with:

- 1.** A written consultation (see **General Evidence**) from an appropriate labor organization;
- 2.** A copy of the reciprocal exchange program agreement;
- 3.** A statement from the sponsoring organization describing the reciprocal agreement as it relates to the petition;
- 4.** Evidence that the beneficiary and the U.S. artist or group have comparable skills and that the terms of employment are similar; and
- 5.** Evidence that an appropriate labor organization in the United States was involved in negotiating or concurred with the exchange.

P-3

A P-3 is an alien coming temporarily to perform, teach, or coach, individually or as part of a group, in the arts or entertainment fields in a program that is culturally unique and which will further the understanding or development of the art form.

Write **P-3** in the classification block on the petition. The petition must be submitted with:

- 1.** A written consultation (see **General Evidence**) from an appropriate labor organization;
- 2.** Evidence that all performances will be culturally unique; and either
 - A.** Affidavits, testimonials, or letters from recognized experts attesting to the authenticity of the beneficiary’s or group’s skills in presenting, coaching, or teaching art forms; or
 - B.** Documentation that the performance of the beneficiary or group is culturally unique as evidenced by actual reviews in newspapers, journals, or other published material.

Essential Support Personnel

Accompanying support personnel are highly skilled aliens coming temporarily as an essential and integral part of the competition or

	<p>employer with:</p> <ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization; 2. A copy of the reciprocal exchange program; 3. A statement from the sponsoring organization describing the reciprocal agreement as it relates to the petition; 4. Evidence that the alien and the U.S. artist or group have comparable skills and that the terms of employment are similar; and 5. Evidence that an appropriate labor organization in the United States was involved in negotiating or concurred with the exchange. <p>P-3 A P-3 is an alien coming temporarily to perform, teach, or coach, individually or as part of a group, in the arts or entertainment fields in a program that is culturally unique.</p> <p>Write P-3 in the classification block on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization: 2. Evidence that all performances will be culturally unique; and either <ol style="list-style-type: none"> A. Affidavits, testimonials, or letters from recognized experts attesting to the authenticity of the alien's or group's skills in presenting, coaching, or teaching art forms; or 	<p>performance of a principal P-1, P-2, or P-3, or because they perform support services which cannot be readily performed by a U.S. worker and which are essential to the successful performance or services of the principal P-1, P-2, or P-3. The accompanying personnel must have appropriate qualifications, prior experience and critical knowledge of the specific services to be performed by the principal P-1, P-2, or P-3 petition.</p> <p>Write P-1S, P-2S, or P-3S as appropriate in the classification block on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization; 2. Evidence of the beneficiary's qualifications to perform the services, if any; 3. A statement describing the beneficiary's critical knowledge of the specific services to be performed and prior experience with the principal P-1, P-2, or P-3; 4. Statements or affidavits from persons with first-hand knowledge that the beneficiary has had substantial experience performing the critical skills and essential support services for the principal P-1, P-2, or P-3; and 5. A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed.
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B. Documentation that the performance of the alien or group is culturally unique as evidenced by actual reviews in newspapers, journals, or other published material.

Essential Support Personnel

Accompanying support personnel are highly skilled aliens coming temporarily as an essential and integral part of the competition or performance of a principal P-1, P-2, or P-3, or because they perform support services that are essential to the successful performance or services of the principal P-1, P-2, or P-3. The accompanying personnel must have prior experience or critical skills with the principal P-1, P-2, or P-3 petition.

Write **P-1S**, **P-2S**, or **P-3S** as appropriate in the classification block on the petition.

1. A written consultation (see **General Evidence**) from an appropriate labor organization;
2. A statement describing the alien's critical skills and prior experience with the principal P-1, P-2, or P-3;
3. Statements or affidavits from persons with first-hand knowledge that the alien has had substantial experience performing the critical skills and essential support services for the principal P-1, P-2, or P-3;
4. A copy of any written contract between the employer and the alien or a summary of the terms of the oral agreement under which the alien will be employed.

Q-1
A Q-1 is an alien coming temporarily to participate in an international cultural exchange program for sharing the attitude, customs, history heritage, philosophy, and/or traditions of the alien’s country of nationality.

Write **Q-1** in the classification block on the petition.

The petition must be submitted with evidence showing that the employer:

1. Maintains an established international cultural exchange program;
2. Has designated a qualified employee to administer the program and serve as liaison with USCIS;
3. Is actively doing business in the United States;
4. Will offer the alien wages and working conditions comparable to those accorded local domestic workers similarly employed; and
5. Has the financial ability to remunerate the participant(s).

To illustrate an established international cultural exchange program, submit program documentation such as catalogues, brochures, or other types of material.

To demonstrate financial ability to remunerate the participant(s), submit your organizations most recent annual report, business income tax return, or other form of certified accountant’s report.

However, if the proposed dates of employment are within 15 months of the approval of a prior

Q-1
A Q-1 is an alien coming temporarily to participate in an international cultural exchange program for sharing the attitude, customs, history heritage, philosophy, and/or traditions of the alien’s country of nationality.

Write **Q-1** in the classification block on the petition.

The petition must be submitted with evidence showing that the employer:

1. Maintains an established international cultural exchange program;
2. Has designated a qualified employee to administer the program and serve as liaison with USCIS;
3. Is actively doing business in the United States;
4. Will offer the alien wages and working conditions comparable to those accorded local domestic workers similarly employed; and
5. Has the financial ability to remunerate the participant(s).

To illustrate an established international cultural exchange program, submit program documentation such as catalogues, brochures, or other types of material.

To demonstrate financial ability to remunerate the participant(s), submit your organizations most recent annual report, business income tax return, or other form of certified accountant’s report.

If the proposed dates of employment are within 15 months of a previously approved Q-1 petition filed by the same international cultural exchange program, with the above evidence of the program, a copy of the approval notice for that prior petition may be submitted in lieu of the evidence about the program required above.

R-1

An R-1 is an alien who is coming temporarily to perform services as a religious worker

**[Before p. 16, Block #2
“Petition only Required for an Alien in the United States to Change Status or Extend Stay”]**

R-1

An R-1 is an alien who is coming temporarily to be employed at least part time (average of at least 20 hours per week) by a bona fide non-profit religious organization in the United States (or a bona fide organization which is affiliated with the religious denomination in the United States) to work:

- **Solely as a minister;**
- **In a religious vocation; or**
- **In a religious occupation.**

To qualify, the alien must have been a member of a religious denomination that has a bona fide nonprofit religious organization in the United States, for at least the 2 years immediately preceding the filing of the petition.

Write **R-1** in the classification block on the petition.

The petition must be filed by a U.S. employer with:

1. Evidence relating to the petitioning organization:
 - A. A currently valid determination letter from the Internal Revenue Service (IRS) establishing that the organization is a tax-exempt organization; or
 - B. For a religious organization that is recognized as tax-exempt under a group tax-exemption, a currently valid determination letter from the IRS establishing that the group is tax-exempt; or
 - C. For a bona fide organization that is affiliated with the religious denomination, if the organization was granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code (IRC) of 1986, or subsequent amendment or equivalent sections of prior enactments of the IRC, as something other than a religious organization:
 - i. A currently valid determination letter from the IRS establishing that the organization is a tax-exempt organization;
 - ii. Documentation that establishes the religious nature and purpose of the organization, such as a copy of the organizing instrument of the organization that specifies the purposes of the organization;
 - iii. Organizational literature, such as books, articles, brochures, calendars, flyers, and other literature describing the religious purpose and nature of the activities of the organization; and
 - iv. A Religious Denomination Certification, which is part of the R-1 Classification Supplement to Form I-129, completed, signed, and dated by the religious organization certifying that the petitioning organization is affiliated with the religious denomination.
2. Employer Attestation, which is part of the R-1 Classification Supplement to Form I-129, completed, signed, and dated by an authorized official of the petitioner;
3. Verifiable evidence of how the petitioner intends to

		<p>compensate the beneficiary, including salaried or non-salaried compensation;</p> <ol style="list-style-type: none"> 4. If the beneficiary will be self-supporting, the petitioner must submit documentation establishing that the position the beneficiary will hold is part of an established program for temporary, uncompensated missionary work, which is part of a broader international program of missionary work sponsored by the denomination; 5. Evidence that the beneficiary has been a member in the religious denomination during at least the 2 years immediately preceding the filing of the petition; and 6. Evidence to establish the beneficiary is qualified to perform the duties of the offered position.
<p>Page 14</p>	<p>2. Petition Only Required for an alien in the United States to Change Status or Extend Stay</p> <p>The following classifications listed in this Section 2 do not require a petition for new employment if the alien is outside the United States. The alien should instead contact a U.S. Embassy or consulate for information about a visa or admission.</p> <p>Use this Form I-129 when the beneficiary is physically present in the United States and a change of status, concurrent employment, or an extension of stay is needed. Note, however, that the beneficiary must maintain legal status in the United States to remain eligible for the benefit sought.</p> <p>Change of Status. A petition for change of status to one of the classifications described in this section must be submitted with the initial evidence detailed below and with the initial evidence required by the separate instructions for all petitions involving a change of status.</p> <p><u>E-1</u></p> <p>An E-1 is a national of a country with which the United States maintains a qualifying</p>	<p>PART 2: Petition Only Required for an Alien in the United States to Change Status or Extend Stay</p> <p>The following classifications listed in this Part 2 do not require a petition for new employment if the alien is outside the United States.</p> <p>Use this Form I-129 when the beneficiary is physically present in the United States and a change of status, concurrent employment, or an extension of stay is needed. Note, however, that the beneficiary must maintain legal status in the United States to remain eligible for the benefit sought.</p> <p><u>E-1</u></p> <p>An E-1 is a national of a country with which the United States maintains a qualifying treaty, who is coming to the United States to carry on substantial trade principally between the United States and the alien’s country of nationality. The Department of State maintains a list of countries with qualifying treaties. See http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3726.html for a list of qualifying countries.</p> <p>Write E-1 in the classification block on the petition.</p> <p>Qualifying trade involves the commercial exchange of goods or services in the international market place. Substantial trade is an amount of trade sufficient to ensure continuous flow of international trade items between the United States and the treaty country. Principal trade exists when more than 50 percent of the E-1’s total volume of international trade is conducted between the United States and the treaty country.</p> <p>An employee of an E-1 treaty trader who possesses the same nationality as the E-1 employer may also be classified as E-1. The employee must principally and primarily perform executive or supervisory duties or possess special qualifications that are essential to the successful or efficient operation of the enterprise. The E-1 employee may perform work for the parent treaty organization or enterprise, or any subsidiary of the parent organization or enterprise.</p>

treaty, who is coming to the United States to carry on substantial trade principally between the United States and the alien's country of nationality.

Qualifying trade involves the commercial exchange of goods or services in the international market place. Substantial trade is an amount of trade sufficient to ensure continuous flow of international trade items between the United States and the treaty country. Principal trade exists when than 50 percent of the E-1's total volume of international trade is conducted between the United States and the treaty country.

E-2

An E-2 is a national of a country with which the United States maintains a qualifying treaty, who is coming to the United States to develop and direct the operations of an enterprise in which he or she has invested or is actively in the process of investing a substantial amount of capital.

An E-2 must demonstrate possession and control of funds and the ability to develop and direct the investment enterprise. Capital in the process of being invested or that has been invested must be placed at risk and irrevocably committed to the enterprise. The enterprise must be a real, active, and operating commercial or entrepreneurial undertaking, that produces services or goods for profit. The investment must be substantial, and the enterprise must be more than marginal.

E-1 or E-2

The petition must be filed with evidence of:

1. Ownership and Nationality. Such evidence may include, but is not limited to, lists of investors with current status and nationality, stock certificates, certificate of ownership issued by the commercial section of a foreign embassy, and reports from a certified personal accountant;
2. Substantial Trade, which is an amount of trade sufficient to ensure a continuous flow of international trade items between the United States and the treaty country. Such evidence may include copies of three or more of the following: bills of lading, customs receipts, letter of credit, trade brochures, purchase orders, insurance papers, documenting commodities imported, carrier inventories, and/or sales contracts, or other probative documentation establishing the requisite substantial trade, and
3. For E-1 employees only: Executive or Supervisory Duties or special qualifications essential to the enterprise, including but not limited to certificates, diplomas or transcripts, letters from employers describing job titles, duties, operators' manuals, and the required level of education and knowledge.

E-2

An E-2 is a national of a country with which the United States maintains a qualifying treaty, who is coming to the United States to develop and direct the operations of an enterprise in which he or she has invested or is actively in the process of investing a substantial amount of capital. The Department of State maintains a list of countries with qualifying treaties. See http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3726.html for a list of qualifying countries.

Write E-2 in the classification block on the petition.

An E-2 petitioner must demonstrate possession and control of funds and the ability to develop and direct the investment enterprise. Capital in the process of being invested or that has been invested must be placed at risk and be irrevocably committed to the enterprise. The enterprise must be a real, active, and operating commercial or entrepreneurial undertaking, that produces services or goods for profit. The investment must be substantial and the funds must not have been obtained, directly or indirectly, from criminal activity. The enterprise must be more than marginal.

An employee of an E-2 who possesses the same nationality as the E-2 employer may also be classified as E-2. The employee must principally and primarily perform executive or supervisory duties or possess special qualifications that are essential to the successful or efficient operation of the enterprise.

The petition must be filed with evidence of:

1. Ownership and nationality, including but not limited to lists of

An employee of an **E-1** or **E-2** who possesses the same nationality may respectively be classified as E-1 or E-2. The employee must principally and primarily perform executive or supervisory duties or possess special qualifications that are essential to the successful or efficient operation of the enterprise.

E Petition Requirements

The petition must be filed with evidence of:

1. Ownership and Nationality, including but not limited to lists of investors with current status and nationality, stock certificates, certificate of ownership issued by the commercial section of a foreign embassy, and reports from a certified personal accountant;
2. Substantial Trade (E-1), including but not limited to copies of three or more of the following: bills of lading, customs receipts, letter of credit, trade brochures, purchase orders, insurance papers, documenting commodities imported, carrier inventories, and/or sales contracts;
3. Substantial Investment (E-2), including but not limited to copies of partnership agreements (with a statement on proportionate ownership), articles of incorporation, payments for the rental of business premises or office equipment, business licenses, stock certificates, office inventories (goods and equipment purchased for the business), insurance appraisals, annual reports, net worth statements from certified profession accountants, advertising invoices, business

investors with current status and nationality, stock certificates, certificate of ownership issued by the commercial section of a foreign embassy, and reports from a certified personal accountant;

2. Substantial investment, including but not limited to copies of partnership agreements (with a statement on proportionate ownership), articles of incorporation, payments for the rental of business premises or office equipment, business licenses, stock certificates, office inventories (goods and equipment purchased for the business), insurance appraisals, annual reports, net worth statements from certified profession accountants, advertising invoices, business bank accounts containing funds for routine operations, funds held in escrow; and

3. For E-2 employees only: Executive or supervisory duties or special qualifications essential to the enterprise, including but not limited to certificates, diplomas or transcripts, letters from employers describing job titles, duties, operators' manuals, and the required level of education and knowledge.

	<p>bank accounts containing funds for routine operations, funds held in escrow;</p> <p>4. Executive or Supervisory Duties or special qualifications essential to the enterprise (E-1 Employee or E-2 Employee), including but not limited to certificates, diplomas or transcripts, letters from employers describing job titles, duties, operators' manuals, and the required level of education and knowledge;</p>	
<p>Page 17</p>	<p>In addition to the initial evidence for the classification you are requesting, a petition requesting a change of status for an alien in the United States must be submitted with a copy of the employee's(s) Form I-94, Nonimmigrant Arrival/Departure Record.</p> <p>NOTE: Family members should use Form I-539, Application to Change/Extend Nonimmigrant Status, to apply for a change of status.</p> <p>A nonimmigrant, who must have a passport to be admitted, must keep that passport valid during his or her entire stay. If a required passport is not valid, include a full explanation with your petition.</p> <p>The following nonimmigrants are not eligible to change status:</p> <ol style="list-style-type: none"> 1. An alien admitted under a visa waiver program; 2. An alien in transit (C) or in transit without a visa (TWOV); 3. A crewman (D); 4. A fiancé(e) (K-1) or his or her dependent (K-2); 	<p>Free Trade Nonimmigrants (H-1B1 and TNs).</p> <p>A Free Trade Nonimmigrant is a temporary nonimmigrant classification based on the provisions of a Free Trade Agreement between the United States and the alien's country of citizenship. Currently there are two stand alone Free Trade Nonimmigrant classifications available.</p> <p>A TN nonimmigrant is a citizen of Canada or Mexico covered by the North American Free Trade Agreement who is coming to the United States to engage temporarily in business activities at a professional level. Depending on the specific type of business activity, a TN must at least have a bachelor's degree or, in certain limited instances, other appropriate credentials which demonstrate status as a professional. The acceptable types of TN business activities at a professional level are listed at 8 CFR 214.6(c).</p> <p>Write TN in the classification block on the petition.</p> <p>If requesting a "Change of Status" to TN, the applicant must submit evidence demonstrating that he or she will be engaged in business activities at a professional level and that the applicant possesses the requisite professional qualifications. Acceptable evidence may include, but is not limited to, the following:</p> <ol style="list-style-type: none"> 1. A letter from the employer stating the activity to be engaged in, the anticipated length of stay, and the arrangements for remuneration; 2. A copy of the beneficiary's last 2 pay stubs and W-2 if employed in the United States; and 3. Evidence the beneficiary meets the educational and/or licensing requirements for the profession or occupation. <p>If requesting an "Extension of Stay" in TN classification, submit evidence, such as a letter, describing the continuing employment and</p>

<p>5. A J-1 exchange visitor whose status was for the purpose of receiving graduate medical training (unless a waiver has been granted under section 214(l) of the Immigration and Nationality Act);</p> <p>6. A J-1 exchange visitor subject to the foreign residence requirement who has not received a waiver of that requirement; and</p> <p>7. An M-1 student to an H classification, if training received as an M-1 helped him or her qualify for H classification.</p> <p>Change of status to Free Trade nonimmigrants.</p> <p>A Free Trade Nonimmigrant is a citizen of Canada or Mexico coming to the United States as a TN or a citizen from Chile or Singapore coming to the U.S. as an H-1B1 Free Trade Nonimmigrant temporarily under the provisions of a Free Trade Agreement. A qualified employer may file this Form I-129 for a citizen of one of the above countries if that citizen has already been admitted to the United States in a nonimmigrant category eligible for change of status. Along with the Form I-129 and related supplement (Nonimmigrant classification based on a Free Trade Agreement Supplement), petitioners for Chile or Singapore H-1B1 nonimmigrants must also file the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement to ensure accurate fee and data collection.</p> <p>NOTE: Canadian or Mexican TN nonimmigrants can be petitioned for by either a U.S. employer or a foreign employer. However, for Chile or Singapore H-1B1 nonimmigrants, the</p>	<p>evidence of the beneficiary’s continued valid licensing (if required by the profession and/or the State).</p> <p>An H-1B1 is an alien from Chile or Singapore coming temporarily to perform services in a specialty occupation. See the instructions for H-1B nonimmigrants for the definition of “specialty occupation.”</p> <p>Write H-1B1 in the classification block on the petition.</p> <p>All evidence listed on page 5 for H-1B specialty occupation classification and the following supplements must be submitted with the petition:</p> <ol style="list-style-type: none"> 1. Nonimmigrant Classification Based on a Free Trade Agreement Supplement, 2. H Classification Supplement, and 3. H-1B Data Collection and Filing Fee Exemption Supplement. <p>If requesting an “Extension of Stay” submit evidence, such as a letter describing the continuing employment, as well as evidence of the beneficiary’s continued valid licensing (if required by the profession and/or the State). Also, if this extension is the sixth consecutive extension requested for this beneficiary, a statement to that effect should be provided.</p> <p>Change of Status</p> <p>A petition for change of status to one of the classifications described in this section must be submitted with the initial evidence detailed above and with the initial evidence required by the separate instructions for all petitions involving change of status.</p>
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	<p>petitioner must be a U.S. employer.</p> <p>In addition to the required information noted above under "Change of Status," submit the following:</p> <ol style="list-style-type: none"> 1. A letter from the employer stating the activity to be engaged in, the anticipated length of stay and the arrangements for remuneration; 2. Evidence that the alien meets the educational and/or licensing requirements for the profession or occupation (including, for citizens of Chile, the post-secondary certificate for Agricultural Managers and Physical Therapists that is accepted by the U.S. Department of State if the citizen of Chile is receiving a nonimmigrant free trade visa overseas); 3. For citizens of Chile and Singapore, a U.S. Department of Labor issued certified labor condition application. 	
p. 17 - 18	<p>Extension of Stay.</p> <p>Extension of stay for all except Free Trade nonimmigrants.</p> <p>A petition requesting an extension of stay for an employee in the United States must be filed with a copy of the employee's Form 1-94, Nonimmigrant Arrival/Departure Record, and a letter from the petitioner explaining the reasons for the extension. Consult the regulations relative to the specific nonimmigrant classification sought.</p> <p>NOTE: Family members should use Form I- 539 to file for an extension of stay.</p>	<p>Extension of Stay.</p> <p>Extension of stay for all except Free Trade nonimmigrants.</p> <p>A petition requesting an extension of stay for an employee in the United States must be filed with a copy of the beneficiary's Form 1-94, Nonimmigrant Arrival/Departure Record, and a letter from the petitioner explaining the reasons for the extension. Consult the regulations relative to the specific nonimmigrant classification sought.</p> <p>NOTE: Family members should use Form I- 539 to file for an extension of stay.</p> <p>A nonimmigrant, who must have a passport to be admitted, must keep that passport valid during his or her entire stay. If a required passport is not valid, include a full explanation with your petition. Where there has been a change in the circumstances of employment, submit also the evidence required for a new petition. A petition requesting an extension must be submitted with:</p> <ol style="list-style-type: none"> 1. The appropriate supplement(s) for the classification;

	<p>A nonimmigrant, who must have a passport to be admitted, must keep that passport valid during his or her entire stay. If a required passport is not valid, include a full explanation with your petition. Where there has been a change in the circumstances of employment, submit also the evidence required for a new petition.</p> <p>Where there has been no change in the circumstances of employment, file your petition with the appropriate supplement and with your letter describing the continuing employment, and:</p> <ol style="list-style-type: none"> 1. If the petition is for H-1B status, submit an approved labor condition application for the specialty occupation valid for the period of time requested. 2. If the petition is for H-2A status, submit a labor certification valid for the dates of the extension, unless it is based on a continuation of employment authorized by the approval of a previous petition filed with a certification, and the extension will last no longer than the previously authorized employment and no longer than two weeks. 3. If the petition is for H-2B status, submit a labor certification valid for the dates of the extension. <p>Extension of Free Trade stay.</p> <p>NOTE: Canadian or Mexican TN nonimmigrants can be petitioned for by either a U.S. employer or a foreign employer. However, for Chile or Singapore H-1B1 nonimmigrants, the petitioner must be a U.S. employer.</p>	<ol style="list-style-type: none"> 2. A letter describing the proffered employment; 3. A copy of the beneficiary's last 2 pay stubs and W-2, if applicable, 4. Evidence the beneficiary continues to meet the licensing requirements for the profession or occupation, if applicable, 5. If requesting an extension of H-1B status (including H-1B1 Chile/Singapore), evidence that a labor condition application for the specialty occupation valid for the period of time requested has been certified by the Department of Labor. 6. If requesting H-2A status, submit a temporary labor certification valid for the dates of the extension, unless it is based on a continuation of previously approved employment due to exigent circumstances and the extension will last no longer than two weeks. 7. If requesting H-2B status, submit a U.S. Department of Labor approved temporary labor certification valid for the dates of extension.
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An employer requesting an extension of stay for an alien with a nonimmigrant classification based on a Free Trade Agreement should follow the above instructions. Submit with your extension request:

1. A letter describing the continuing employment,
2. The newly requested length of stay,
3. Continued valid licensing if required by the profession and/or the State, and
4. In the case of a Chile or Singapore H-1B1 Free Trade Nonimmigrant, a currently valid labor condition attestation.

Along with the Form I-129 and related supplement (Nonimmigrant classification based on a Free Trade Agreement Supplement), petitioners for Chile or Singapore H-1B1 nonimmigrants must also file the H-1B Data Collection and Filing Fee Exemptions Supplement to ensure accurate fee and data collection.

If the extension is for a Chile or Singapore H-1B1 Free Trade Nonimmigrant and it is the sixth consecutive extension request for that person, a statement to that effect must be provided.

<p>Page 18, General Evidence</p>	<p>Written Consultation. Noted classifications require a written consultation with a recognized peer group, union, and/or management organization regarding the nature of the work to be done and the alien's qualifications before the petition may be approved.</p> <p>*****</p>	<p>Written Consultation. Noted classifications require a written consultation with a recognized peer group, union, and/or management organization regarding the nature of the work to be done and the beneficiary's qualifications before the petition may be approved.</p> <p>*****</p>
<p>Page 18, Liability for Return Transportation</p>	<p>The Immigration and Nationality Act makes a petitioner liable for the reasonable cost of return transportation for an H-1B, H-2B, O, and P alien who is dismissed before the end of authorized employment.</p>	<p>The Immigration and Nationality Act makes a petitioner liable for the reasonable cost of return transportation for an H-1B, H-2B, O, and P beneficiary who is dismissed before the end of the period of authorized employment.</p>
<p>Page 19: Where to File?</p>	<p>Where to File?</p> <p><u>Updated filing Address Information</u></p> <p>The filing addresses provided on this form reflect the most current information as of the date this</p>	<p>Where to File?</p> <p><u>Regular Processing</u></p> <p>Generally, except for the classifications listed below, the Form I-129 is filed either at the California Service Center or Vermont Service Center, depending on the location of the temporary employment or training. When the temporary employment or training will be in</p>

form was last printed.

If you are filing Form I-129 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit us online at www.uscis.gov before you file, and check the Forms and Fees page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-129 matches the edition date listed for Form I-129 on the online Forms and Fees page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call Customer Service at **1-800-375-5283** to verify the current filing address and edition date.

Improperly filed forms will be rejected, and the fee returned, with instructions to resubmit the entire filing using the current form instructions.

Premium Processing

If you are requesting Premium Processing Services on Form I-129, Petition for Nonimmigrant Worker, you must also file Form I-907, Request for Premium Processing Services. Before you file the I-129/I-907 package, check Premium Processing at www.uscis.gov website to ensure the requested classification is Premium eligible.

Regular Processing

Form I-129 is filed either at the California Service Center or the Vermont Service Center, depending on the location of the beneficiary's temporary employment and the nonimmigrant classification

multiple locations, the state where your company or organization is located will determine which Service Center you should send your petition to.

Prior to submitting your form(s), note the different addresses (see "Mailing Addresses" Section).

Exceptions: Regardless of work locations, the following types of petitions should always be sent to the **California Service Center**:

1. H-2A
2. R-1
3. H-1B petitions where the employer is statutorily exempt from the cap
4. E-1 and E-2, petitions for extension of stay or change of status only

Regardless of work locations, the following types of petitions should always be sent to the **Vermont Service Center**:

1. H-1C
2. E-3, Petitions for extension of stay or change of status only
3. Free Trade Nonimmigrants (H-1B1 aliens from Chile/Singapore and TN aliens from Canada or Mexico), Petitions for extension of stay or change of status only
4. P-1, Major League Sports Organizations

Failure to follow these instructions may result the rejection, delay, or denial of your petition.

California Service Center Filings:

File Form I-129 with the California Service Center if the beneficiary is or will be employed temporarily or receiving training in:

Alaska	Minnesota
Arizona	Missouri
California	Montana
Colorado	Nebraska
CNMI*	Nevada
Guam	North Dakota
Hawaii	Ohio
Idaho	Oregon
Illinois	South Dakota
Indiana	Utah
Iowa	Washington
Kansas	Wisconsin
Michigan	Wyoming

*Commonwealth of the Northern Mariana Islands.

sought. Prior to submitting your form(s), please note the different addresses. Failure to follow these instructions may result in your application or petition being rejected, delayed, or denied.

Exceptions: All Form I-129s filed for H-2A or R-1 classification must be filed at the California Service Center. Additionally, H-1B employers filing petitions which are cap exempt must file at the California Service Center. All Form I-129s filed for E-3, H-1C, TN or Free Trade Chile/Singapore H-1B1 classification must be filed at the Vermont Service Center. Form I-129s filed by major league sports must be sent to the Vermont Service Center, regardless of the place of temporary employment.

Failure to follow these instructions may result in your petition being rejected, delayed, or denied.

California Service Center Filings.

File Form I-129 with the California Service Center if the beneficiary is or will be employed temporarily or receiving training in:

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.

H-1B Extensions:

USCIS
California Service Center
ATTN: H-1B Extensions
P.O. Box 10129
Laguna Niguel, CA 92607-1012

Vermont Service Center Filings:

File Form I-129 with the Vermont Service Center if the beneficiary is or will be employed temporarily or receiving training in:

Alabama	New Mexico
Arkansas	New York
Connecticut	North Carolina
Delaware	Oklahoma
District of Columbia	Pennsylvania
Florida	Puerto Rico
Georgia	Rhode Island
Kentucky	South Carolina
Louisiana	Tennessee
Maine	Texas
Maryland	Vermont
Massachusetts	Virginia
Mississippi	U.S. Virgin Islands
New Hampshire	West Virginia
New Jersey	

Premium Processing

If you are requesting Premium Processing Services for a Form I-129, Petition for a Nonimmigrant Worker, you must also file a Form I-907, Request for Premium Processing Services. Before you file the I-129/I-907 package, check www.uscis.gov Web site to ensure that the requested classification is eligible for premium processing.

E-Filing

If you are e-filing this petition, it will automatically be routed to the appropriate Service Center. You will receive a receipt indicating the location to which it was routed. The submission of supporting documents and any other communication regarding your e-filed petition should be directed to the receiving location indicated on your receipt.

Mailing Addresses:

The mailing addresses provided below reflect the most current information as of the date this form was last printed. If you are filing this form more than 30 days after the edition date printed on this form (shown in the lower right-hand corner), check *before you file* to confirm that this is the most current version of the Form I-129 to use by either (1) visiting the "Forms and Fees" section at www.uscis.gov or (2) if you do not have internet access, calling Customer Service at **1-800-375-5283**.

[Insert Table – See attached at end of TOC]

H-2A Regular Mail Address:

USCIS
California Service Center
ATTN: H-2A Processing Unit
P.O. Box 10140
Laguna Niguel, CA 92607-1040

H-2A Courier Mail Address:

USCIS
California Service Center
ATTN: H-2A Processing Unit
24000 Avila Road, Room 2312
Laguna Niguel, CA 92677

All other I-129 Cases:

USCIS California Service Center
ATTN: I-129
P.O. Box 10129
Laguna Niguel, CA 92607-1012

Courier Address for All I-129s

USCIS California Service Center
24000 Avila Road
2nd Floor, Room 2312
Laguna Niguel, CA 92677
(Please note the type of I-129 in
the attention line)

Premium Processing

If the classification requested on
Form I-129 is eligible for
Premium Processing and you
wish to request Premium
Processing services, use the
designated Premium Processing
address for the California Service
Center as indicated:

**Form I-907/I-129 Regular
Mailing Address:**

Premium Processing Service
USCIS
California Service Center
P.O. Box 10825
Laguna Niguel, CA 92607
(Please note the type of I-129 in
the attention line)

Form I-907/I-129 Courier Mail Address:

Premium Processing Service
USCIS
California Service Center
24000 Avila Road 2nd Floor,
Room 2312
Laguna Niguel, CA 92677
(Please note the type of I-129 in
the attention line)

**Form I-907/I-129 E-Mail
Address: CSC-
Premium.Processing@dhs.gov**

**Vermont Service Center
Filings.**

File Form I-129 with the
Vermont Service Center if the
beneficiary is or will be
employed temporarily or
receiving training in:

Alabama, Arkansas, Connecticut,
Delaware, the District of
Columbia, Florida, Georgia,
Kentucky, Louisiana, Maine,
Maryland, Massachusetts,
Mississippi, New Hampshire,
New Jersey, New Mexico, New
York, North Carolina, Oklahoma,
Pennsylvania, Puerto Rico,
Rhode Island, South Carolina,
Tennessee, Texas, Vermont,
Virginia, U.S. Virgin Islands, or
West Virginia.

Mail your package to:

H-1B Cap Cases:

USCIS
Vermont Service Center
ATTN: H-1B Cap
1A Lemnah Drive
St. Albans. VT 05479-0001

H-1B U.S. Masters Cap Cases:

USCIS
Vermont Service Center
ATTN: H-1B U.S. Masters Cap
1A Lemnah Drive

St. Albans. VT 05479-0001

All other I-129 Cases:

USCIS
Vermont Service Center
ATTN: I-129
75 Lower Welden Street
St. Albans, VT 05479-0001

Premium Processing:

If the classification requested on Form I-129 is eligible for Premium Processing and you wish to request Premium Processing Services, please use the designated Premium Processing address for the Vermont Service Center, as listed below (for either mail or courier):

Form I-907/I-129 Mailing Address and Courier Address:

H-1B Cap Cases:

Premium Processing Service
USCIS
Vermont Service Center
ATTN: H-1B Cap
30 Houghton Street
St. Albans. VT 05478-2399

H-1B U.S. Master Cap Cases:

Premium Processing Service
USCIS
Vermont Service Center
ATTN: H-1B U.S. Masters Cap
30 Houghton Street
St. Albans. VT 05478-2399

All other I-129 Cases:

Premium Processing Service
USCIS
Vermont Service Center
ATTN: I-129
30 Houghton Street
St. Albans. VT 05478-2399

Form I-907/I-129 E-mail address:

VSC-
Premium.Processing@dhs.gov.

Exceptions

1. Form I-129 Filed for Temporary Employment or Training in More Than 1 Location: When the temporary employment or training will be in different locations, the state where your company or organization is located will determine the Service Center to which you should send the Form I-129 package. For example, the beneficiary will work in Arizona and Texas, and your company is located in New York, file Form I-129 with the Vermont Service Center.

2. H-1C Classification for Nurses: Mail the I-129 package to the Vermont Service Center, regardless of where the temporary H-1C nurse will be employed.

3. H-2A Classification for Temporary Agricultural Workers: Mail the I-129 package to the designated address at the California Service Center.

4. R Classification for Temporary Religious Workers:

5. Major League Sports: This covers major league athletes, minor league sports, and any affiliates associated with the major leagues in baseball, hockey, soccer, basketball, and football. Support personnel includes: coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters. Mail the I-129 package to the Vermont Service Center, regardless of the place of temporary employment.

6. Trade NAFTA (TN) for

Nationals of Mexico and Canada:

A. TN Extension or Change of Status for Nationals of Canada or Mexico Already in the U.S.: Mail the Form I-129 package to the Vermont Service Center, regardless of where the TN Canadian or Mexican national will be employed.

B. Initial TN Classification for Nationals of Mexico: **Do not use Form I-129** to apply for *initial* TN classification for a national of Mexico. To obtain more information on the application process, please visit the U.S. Department of State's TN Visa website.

C. Initial TN Classification for Nationals of Canada: **DO NOT use Form I-129** to apply for *initial* TN classification for a national of Canada. Please see 8 CFR 214.6 for information on applying at a U.S. port of entry.

7. H-1B1 Singapore/Chile Free Trade:

A. Initial H-1B1 Classification under the Singapore/ Chile Free Trade Agreement for Beneficiaries Outside the U.S.: **DO NOT** use Form I-129 to apply for *initial* H-1B1 classification. To obtain more information on the H-1B1 application process, please visit the U.S. Department of State's website.

B. Change of Status to H-1B1 and Extension of H-1B1 Stay: Mail the Form I-129 package to the Vermont Service Center, regardless of where the H-1B1 beneficiary will be employed.

8. E-3 Australian Free Trade:

	<p>A. Change of Status to E-3 and E-3 Extension: Mail the Form I-129 package to the Vermont Service Center, regardless of where the E-3 beneficiary will be employed.</p> <p>B. Initial E-3 Classification for Beneficiaries Outside the U.S.: DO NOT use Form I-129 to apply for initial E-3 classification if the beneficiary is outside the United States. To obtain more information on the E-3 application process, please visit the U.S. Department of State's website.</p> <p><u>Note on E-Filing</u></p> <p>If you are e-filing this application, it will automatically be routed to the appropriate Service Center, and you will receive a receipt indicating the location to which it was routed. This location may not necessarily be the same center shown in the filing addresses listed above. For e-filed applications, it is very important to review your filing receipt and make specific note of the receiving location. All further communication, including submission of supporting documents, should be directed to the receiving location indicated on your e-filing receipt.</p>	
<p>Page 22, What Is the Filing Fee?</p>	<p>The base filing fee for this petition is \$320.</p> <p>A U.S. employer filing Form I-129 for an H-1B nonimmigrant or for a Chile or Singapore H-1B1 Free Trade Nonimmigrant must submit the \$320 petition filing fee and, unless exempt under Part B of the H-1B Data Collection and Filing Fee Exemption Supplement, an additional fee of either \$1,500 or \$750.</p>	<p>The base filing fee for this petition is \$325.</p> <p>A U.S. employer filing Form I-129 for an H-1B nonimmigrant or for a Chile or Singapore H-1B1 Free Trade Nonimmigrant must submit the \$325 petition filing fee and, unless exempt under Part B of the H-1B Data Collection and Filing Fee Exemption Supplement, an additional fee of either \$1,500 or \$750.</p> <p>A U.S. employer with a total of 25 or fewer full-time equivalent employees in the United States (including any affiliate or subsidiary of the employer) is only obligated to pay the \$750 fee.</p> <p>A U.S. employer filing Form I-129 who is required to pay the ACWIA fee may make the payment in the form of a single check or money order for the total amount due or as two checks or money</p>

A U.S. employer with a total of 25 or fewer full-time equivalent employees in the United States (including any affiliate or subsidiary of the employer) is only obligated to pay the **\$750** fee.

A U.S. employer filing a form I-129 who is required to pay the additional fee may make the payment in the form of a single check or money order for the total amount due or as two checks or money orders, one for the additional fee and one for the petition fee.

NOTE: H-1B and L-1 petitioners are required to pay the **\$500** Fraud Prevention and Detection Fee mandated by the H-1B Visa Reform Act of 2004 must submit a check or money order separate from the additional fee and petition fee. Petitioners for Chile or Singapore H-1B1 Free Trade Nonimmigrants do not have to pay this fee.

NOTE: Employers filing H-2B petitions for employment to commence on or after October 1, 2005, must submit an additional fee of **\$150**. The Save Our Small and Seasonal Business Act of 2005 authorized this **\$150** Fraud Prevention and Detection Fee.

The fee must be submitted in the exact amount. It cannot be refunded. **Do not mail cash.** All checks and money orders must be drawn on bank or other institution located in the United States and must be payable in U.S. currency. The check or money order must be made payable to the **Department of Homeland Security**, except that:

1. If you live in Guam, make your check or money order payable to the "Treasurer, Guam."

orders, one for the ACWIA fee and one for the petition fee.

NOTE: On or after **March 8, 2005**, a U.S. employer seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another U.S. employer, must submit a **\$500** fee. This **\$500** Fraud Prevention and Detection fee was mandated by the provisions of the H-1B Visa Reform Act of 2004.

Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional \$2,000 (H-1B) or \$2,250 (L-1) fee mandated by Public Law 111-230 **if:**

1. the petitioner employs 50 or more individuals in the United States;
2. more than 50% of those employees are in H-1B or L nonimmigrant status; **and**
3. the petition is filed before October 1, 2014.

The Fraud Prevention and Detection fee and Public Law 111-230 fee, when applicable, may not be waived, and each fee should be submitted in separate checks or money orders. You must include payment of the fee(s) with your submission of this form. Failure to submit the fee(s) when required will result in rejection or denial of your submission. Petitioners for Chile or Singapore H-1B1 Free Trade Nonimmigrants do not have to pay the \$500 Fraud Prevention and Detection Fee or the additional fee required under Public Law 111-230.

NOTE: Employers filing H-2B petitions for employment to commence on or after October 1, 2005, must submit an additional fee of **\$150**. The Save Our Small and Seasonal Business Act of 2005 authorized this **\$150** Fraud Prevention and Detection Fee.

NOTE: Aliens present in the CNMI seeking to change their status from a CNMI investor status directly to the E-2 CNMI status without departing the CNMI must pay or obtain a waiver of the **\$85** biometric service fee described in 8 CFR 103.7(b). Biometric service fees should be submitted on a separate check from the Form I-129 filing fee.

Fees must be submitted in the exact amount and cannot be refunded. **Do not mail cash.** All checks and money orders must be drawn on bank or other institution located in the United States and must be payable in U.S. currency. The check or money order must be made payable to the **Department of Homeland Security**.

When preparing the check or money order, spell out Department of Homeland Security. Do not use the initials "DHS" or "USDHS."

How to check if the fee is correct. The fee on this form is current as of the publication date appearing in the lower right corner of this

2. If you live in the U.S. Virgin Islands, make your check or money order payable to the “Commissioner of Finance of the Virgin Islands.”

When preparing the check or money order, spell out Department of Homeland Security. Do not use the initials “DHS” or “USDHS.”

How to check if the fee is correct. The fee on this form is current as of the publication date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fee is correct by following one of the steps below.

1. Visit our Web site at **www.uscis.gov**, scroll down to “Immigration Forms,” and check the appropriate fee, or

page. However, because USCIS fees change periodically, you can verify if the fee is correct by following one of the steps below.

1. Visit our Web site at **www.uscis.gov** to check the appropriate fee, or

TABLE TO INSERT in “Mailing Addresses:” Section

CALIFORNIA SERVICE CENTER		
Petition Type	Regular Mailing	Courier Mailing
All CNMI I-129 Petitions (filed for any classification included on this form for employment in the CNMI)	<p>USCIS California Service Center ATTN: CNMI I-129 P.O. Box 10698 Laguna Niguel, CA 92607-1098</p> <p><i>(Please note the nonimmigrant classification requested in the attention line.)</i></p>	<p>USCIS California Service Center ATTN: CNMI I-129 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677</p> <p><i>(Please note the nonimmigrant classification requested in the attention line.)</i></p>
Guam H-1B and H-2B Petitions	<p>USCIS California Service Center ATTN: Guam I-129 P.O. Box 10129 Laguna Niguel, CA 92607-1012</p> <p><i>(Please note the nonimmigrant classification requested in the attention line.)</i></p>	<p>USCIS California Service Center ATTN: Guam I-129 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677</p> <p><i>(Please note the nonimmigrant classification requested in the attention line.)</i></p>
H-1B Extension of Stay Petition	<p>USCIS California Service Center ATTN: H-1B Extensions P.O. Box 10129 Laguna Niguel, CA 92607-1012</p>	<p>USCIS California Service Center ATTN: H-1B Extensions 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677</p>
H-2A Petitions	<p>USCIS California Service Center ATTN: H-2A Processing Unit P.O. Box 10140 Laguna Niguel, CA 92607-1040</p>	<p>USCIS California Service Center ATTN: H-2A Processing Unit 24000 Avila Road, Room 2312 Laguna Niguel, CA 92677</p>
All Other I-129 Petitions	<p>USCIS California Service Center ATTN: I-129 P.O. Box 10129 Laguna Niguel, CA 92607-1012</p> <p><i>(Please note the nonimmigrant classification requested in the attention line.)</i></p>	<p>USCIS California Service Center ATTN: I-129 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677</p> <p><i>(Please note the nonimmigrant classification requested in the attention line.)</i></p>
Premium Processing I-129/I-907 Packages	<p>Premium Processing Service USCIS California Service Center ATTN: I-129 P.O. Box 10825 Laguna Niguel, CA 92607</p> <p><i>(Please note the nonimmigrant classification requested in the</i></p>	<p>Premium Processing Service USCIS California Service Center ATTN: I-129 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677</p> <p><i>(Please note the nonimmigrant</i></p>

	<i>attention line)</i>	<i>classification requested in the attention line)</i>
Premium Processing e-mail address: CSC-Premium.Processing@dhs.gov		

VERMONT SERVICE CENTER		
Petition Type	Regular & Courier Mailing	Premium Processing I-129/I-907 Packages
H-1B Cap-Subject Petitions	USCIS Vermont Service Center ATTN: H-1B Cap 4 Lemnah Drive St. Albans, VT 05479-0001	Premium Processing Service USCIS Vermont Service Center ATTN: H-1B Cap 30 Houghton Street St. Albans, VT 05478-2399
H-1B U.S. Master's Cap Petitions	USCIS Vermont Service Center ATTN: H-1B U.S. Master's Cap 4 Lemnah Drive St. Albans, VT 05479-0001	Premium Processing Service USCIS Vermont Service Center ATTN: H-1B U.S. Master's Cap 30 Houghton Street St. Albans, VT 05478-2399
All Other I-129 Petitions	USCIS Vermont Service Center ATTN: I-129 75 Lower Welden Street St. Albans, VT 05479-0001 <i>(Please note the nonimmigrant classification requested in the attention line)</i>	Premium Processing Service USCIS Vermont Service Center ATTN: I-129 30 Houghton Street St. Albans, VT 05478-2399 <i>(Please note the nonimmigrant classification requested in the attention line)</i>
Premium Processing email address: VSC-Premium.Processing@dhs.gov		

The additions regarding the E-2 CNMI highlighted in green will not take effect until the Final Rule, E-2 Nonimmigrant Status for Aliens in the Commonwealth of the Northern Mariana Islands with Long-Term Investor Status; RIN 1615-AB75, becomes effective.