

Table of Changes for the “Instructions to the Form I-129S”
OMB No. 1615-0010
October 15, 2010

Location	Current I-129S Instructions	Changes or Description
Page 1	<p>What Is the Filing Fee?</p> <p>There is no fee for this petition.</p> <p>*****</p>	<p>What Is the Filing Fee?</p> <p>On or after March 8, 2005, a \$500 Fraud Prevention and Detection fee must be submitted with form I-129S in certain situations. The Fraud Prevention and Detection fee was mandated by the provisions of the L-1 Visa Reform Act of 2004.</p> <p class="list-item-l1">1. Visa Applications filed with the U.S. Department of State: The Secretary of State will collect the \$500 fee on an alien filing an application abroad for a visa authorizing admission to the U.S. as an L-1 nonimmigrant if the alien is covered under a blanket petition.</p> <p class="list-item-l1">2. Visa-Exempt Petitions filed with the U.S. Department of Homeland Security: The Secretary of Homeland Security will collect the \$500 fee from a U.S. employer seeking <u>initial</u> approval of an L-1 nonimmigrant status for a beneficiary.</p> <p>Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit an additional \$2,250 (L-1) fee mandated by Public Law 111-230 on or after August 14, 2010 if:</p> <p class="list-item-l1">1. The petitioner employs 50 or more individuals in the United States;</p> <p class="list-item-l1">2. More than 50% of those employees are in H-1B or L nonimmigrant status; and</p> <p class="list-item-l1">3. The petition is filed before October 1, 2014.</p> <p>To determine if the additional \$2,250 fee mandated by Public Law 111-230 is required, the petitioner must complete the two questions in Part 1A. If you responded “yes” to both questions in Part 1A of the Form I-129S, an additional fee of \$2,250 must be submitted. This \$2,250 fee was mandated by the provisions of Public Law 111-230 and should be submitted by separate check or money order.</p> <p>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.</p> <p>*****</p>

The changes to the instructions and form are necessary to implement the requirements of Public Law 111-230 which requires an additional payment of \$2,250 for certain L petitions 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.

Without the changes to the form and instructions USCIS would not be able to determine who would have to pay the additional fee. Since most of the submissions for this information collection is submitted to the Department of State (DOS), the DOS has a vested interest in OMB approval of this form and instructions.