

Instructions for Form I-129S, Nonimmigrant Petition Based on Blanket L Petition

What Is the Purpose of This Form?

This form is for an employer to classify an employee as an L-1 nonimmigrant intra-company transferee under a blanket L petition (LZ) approval.

Who May File Form I-129S?

An employer who has already obtained approval of a blanket L-1 petition may file this form to classify an employee outside the United States as an executive, manager, or specialized knowledge professional. If the employee is in the United States and you are requesting a change of status or extension of stay for that employee, use Form I-129, Petition for a Nonimmigrant Worker.

General Instructions

Each petition must be properly signed and filed. A photocopy of a signed petition or a typewritten name in place of a signature is not acceptable.

Each petition must be accompanied by the appropriate filing fee.

Evidence. You must submit all required initial evidence along with all the supporting documentation with your petition at the time of filing. Retain a copy of the form and supporting documents for your records.

Copies. Unless specifically required that an original document be filed with a petition, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record and will not be automatically returned to you.

Translations. Any document containing a foreign language submitted to United States Citizenship and Immigration Services (USCIS) must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

How To Fill Out Form I-129S

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, write your name and Alien Registration Number (A-Number) (if any) at the top of each sheet of paper, indicate the Part and item number to which your answer refers, and date and sign each sheet.

3. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," write "none."

Initial Evidence

You must file your petition with:

1. A copy of the approval notice for the blanket petition;
2. A letter from the alien's foreign qualifying employer detailing the alien's dates of employment, job duties, qualifications, and salary. The letter must also show that the alien worked for the employer for at least 1 continuous year in the 3-year period preceding the filing of the petition in an executive, managerial, or specialized knowledge professional capacity; and
3. If the alien is a specialized knowledge professional, one of the following:
 - a. A copy of the alien's U.S. degree;
 - b. A copy of the alien's foreign degree equivalent to a U.S. degree; or
 - c. Evidence establishing that the combination of the beneficiary's education and experience is the equivalent of a U.S. degree.

What Is the Filing Fee?

There is no base fee for this form. However, there are two fees that must be submitted with Form I-129S in certain situations.

Fraud Prevention and Detection Fee

The L-1 Visa Reform Act of 2004 mandates a \$500 Fraud Prevention and Detection fee. This fee must be submitted as outlined below.

1. **Visa Applications filed with the U.S. Department of State:** The Secretary of State will collect the \$500 fee from the petitioner through an alien:
 - a. Who applies at a U.S. Embassy or consulate for an L-1 visa; and
 - b. On whose behalf the petitioner is seeking L-1 approval based on an approved blanket petition.
2. **Visa-Exempt Petitions filed with the U.S. Department of Homeland Security (USCIS or CBP):** The Secretary of Homeland Security will collect the \$500 fee from a petitioner who seeks:
 - a. Initial approval of L-1 classification for a beneficiary; or
 - b. Approval to employ an L-1 nonimmigrant currently working for another petitioner.

Note: For petitions filed with CBP, any applicable fees must be submitted to CBP in accordance with CBP guidelines.

Public Law 111-230 Fee

Pub. L. 111-230, as amended by Pub. L. 111-347, mandates a \$2,250 fee for L-1 petitions. The law requires a petitioner to pay the fee on or after August 14, 2010 if:

1. The petitioner employs 50 or more individuals in the United States;
2. More than 50% of those employees are in H-1B, L-1A, or L-1B nonimmigrant status; **and**
3. The petition is filed before October 1, 2015.

To determine whether you must pay the Pub. L. 111-230 fee, complete the two questions in **Part 1A** of Form I-129S. The petitioner is required to pay this fee if:

- a. It is required to pay the \$500 Fraud Detection and National Security fee, and
- b. A "yes" response was provided for both questions in **Part 1A**.

The Fraud Prevention and Detection Fee and Pub. L. 111-230 fee, when applicable, may not be waived. Each fee should be submitted in separate checks or money orders to either the Department of State or the Department of Homeland Security, as described in the Fraud Prevention and Detection Fee section above.

How to Check If the USCIS Fees Are Correct

Form I-129S fees and biometrics services fees are current as of the edition date in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below.

1. Visit the USCIS Web site at www.uscis.gov, select "FORMS," and check the appropriate fee; or
2. Telephone the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TDD (hearing impaired) call: **1-800-767-1833**.

Where To File?

If the alien requires a visa, he or she should present the completed or previously approved petition at a U.S. Embassy or consulate abroad.

If the alien is not required to obtain a visa, the petitioner should file this petition at the USCIS service center that approved the blanket petition.

Petitioners seeking L-1 classification for citizens of Canada under the North American Free Trade Agreement (NAFTA) may also have the beneficiary present Form I-129S to an officer of U.S. Customs and Border Protection (CBP) in conjunction with an application for admission.

This may only be done at either:

- a. A "Class A" port of entry located on the U.S.-Canada land border; or
- b. A U.S. pre-clearance/pre-flight inspection station in Canada.

Certification Pertaining to the Release of Controlled Technology or Technical Data to Foreign Persons in the United States

U.S. Export Controls on the Release of Controlled Technology or Technical Data to Foreign Persons. 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 L-1 beneficiaries.

Requirement to Certify Compliance with U.S. Export Control Regulations. The U.S. Government requires each company or other entity to certify that it has reviewed the EAR and ITAR and determine 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 3, Part 5** of Form I-129S.

Controlled Technology and Technical Data. 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 CFR Part 774, Supp. 1. See www.access.gpo.gov/bis/ear/ear_data.html#ccl. The USML is at 22 CFR 121.1. See www.pmdtc.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.

The U.S. Department of Commerce's Bureau of Industry and Security (BIS) 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 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.pmddtc.state.gov. Specific information about the ITAR's requirements pertaining to the release of controlled technical data is at www.pmddtc.state.gov/faqs/license_foreignpersons.html.

Address Changes

If you have changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact USCIS National Customer Service Center at **1-800-375-5283**. For TDD (hearing impaired) call: **1-800-767-1833**.

Processing Information

Any form that is not signed or accompanied by the correct fee will be rejected with a notice that the form is deficient. You may correct the deficiency and resubmit the form. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a form has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without the required initial evidence, you will not establish a basis for eligibility, and we may deny your form.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copies. We will return these originals when they are no longer required.

Decision. The decision on a form involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information

You can get USCIS forms and immigration-related information on the USCIS Web site at www.uscis.gov. You may order USCIS forms by calling our toll-free number at **1-800-870-3676**.

You may also obtain forms and information by calling our USCIS National Customer Service Center at **1-800-375-5283**. For TDD (hearing impaired) call: **1-800-767-1833**.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this form, we will deny the form and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Privacy Act Statement

AUTHORITIES: The Immigration and Nationality Act, 8 U.S.C. sections 222, 1103, 1184, and 8 CFR parts 103 and 214 authorize USCIS to collect the information and associated evidence requested on this benefit petition. Additionally, Pub. L. 111-230, as amended by Pub. L. 111-347, requires the collection of information regarding the number of H-1B and L-1 employees in the United States.

PURPOSE: The primary purpose for providing the information on this benefit petition is to request classification of alien employees as L-1 nonimmigrant intra-company transferees under a previously approved blanket L petition. The information you provide will be used to grant or deny this benefit.

DISCLOSURE: The information you provide is voluntary. However, failure to provide required evidence, or evidence requested in order to establish eligibility for the benefit sought, may delay a final decision or result in denial of your benefit request.

ROUTINE USES: The information you provide on this benefit petition may be shared with other federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System, which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 1.5 hours per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, D.C. 20529-2140; OMB No. 1615-0010. **Do not mail your completed Form I-129S to this address.**

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