

TABLE OF CHANGES – FORM
Form I-129, Petition for a Nonimmigrant Worker
OMB Number: 1615-0009
01/22/2016

Reason for Revision: AC21 NPRM.

Current Page Number and Section	Current Text	Proposed Text
<p>Pages 19-21, H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement</p>	<p>[Page 19]</p> <p>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement ...</p> <p>Section 1. General Information</p> <p>1. Employer Information - (select all items that apply)...</p> <p>c.2. Or is it because the beneficiary has a master's degree or higher degree in a specialty relation to the employment?</p> <p>d. Does the petitioner employ 50 or more individuals in the United States?</p> <p>d.1. If yes, are more than 50 percent of those employers in H-1B or L-1A or L-1B nonimmigrant status?</p> <p>2. Beneficiary's Highest Level of Education (select only one box)</p> <p>...</p> <p>Section 2. Fee Exemption and/or Determination ...</p> <p>2. Are you a nonprofit organization or entity related to or affiliated with an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a)?</p> <p>...</p> <p>[Page 20]</p> <p>9. Do you currently employ a total of 25 or fewer full-time equivalent employees in the United States, including all affiliates or subsidiaries of this company/organization?</p> <p>If you answered yes, to Item Number 9. above, you are required to pay an additional ACWIA fee of \$750. If you answered no, then you are</p>	<p>[Page 19]</p> <p>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement ...</p> <p>Section 1. General Information</p> <p>1. Employer Information - (select all items that apply)...</p> <p>c.2. Or is it because the beneficiary has a master's degree or higher degree in a specialty relation to the employment?</p> <p>[no change]</p> <p>d.1. If yes, are more than 50 percent of those employers in H-1B, L-1A, or L-1B nonimmigrant status?</p> <p>2. Beneficiary's Highest Level of Education (select only one box)</p> <p>...</p> <p>Section 2. Fee Exemption and/or Determination ...</p> <p>2. Are you a nonprofit organization or entity related to or affiliated with an institution of higher education, as defined in 8 CFR 214.2(h)(19)(iii)(B)? Yes/No</p> <p>...</p> <p>[Page 20]</p> <p>[no change]</p>

	<p>required to pay an additional ACWIA fee of \$1,500.</p> <p>NOTE: A petitioner seeking initial approval of H-1B nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B nonimmigrant currently working for another employer, must submit an additional \$500 Fraud Prevention and Detection fee. For petitions filed before October 1, 2015, an additional fee of \$2,000 must be submitted if you responded yes to Item Numbers 1.d. and 1.d.1. of Section 1. of this supplement. This \$2,000 fee was mandated by the provisions of Public Law 111-230, as amended by Public Law 111-347.</p> <p>The Fraud Prevention and Detection Fee and the Public Law 111-230 fee do not apply to H-1B1 petitions. These fees, when applicable, may not be waived. You must include payment of the fee(s) when you submit this form. Failure to submit the fee(s) when required will result in rejection or denial of your submission. Each of these fee(s) should be paid by separate check(s) or money order(s).</p> <p>...</p> <p>[Page 21]</p> <p>Section 3. Numerical Limitation Information</p> <p>3. If you answered Item Number 1.d. "CAP Exempt," you must specify the reason(s) this petition is exempt from the numerical limitation for H-1B classification:</p> <p>...</p> <p>b. The petitioner is a nonprofit entity related to or affiliated with an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a).</p> <p>c. The petitioner is a nonprofit research organization or a governmental research organization as defined in 8 CFR 214.2(h)(19)(iii)(C).</p> <p>d. The petitioner will employ the beneficiary to perform job duties at a qualifying institution (see Item Numbers 3.a. - 3.c. above) that directly and predominately furthers the normal, primary, or essential purpose, mission, objectives, or function of the qualifying institution, namely higher education or nonprofit or government research.</p> <p>...</p>	<p>NOTE: A petitioner seeking initial approval of H-1B nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B nonimmigrant currently working for another employer, must submit an additional \$500 Fraud Prevention and Detection fee. For petitions filed on or after December 18, 2015, an additional fee of \$4,000 must be submitted if you responded yes to Item Numbers 1.d. and 1.d.1. of Section 1. of this supplement. This \$4,000 fee was mandated by the provisions of Public Law 114-113.</p> <p>The Fraud Prevention and Detection Fee and Public Law 114-113 fee do not apply to H-1B1 petitions. These fees, when applicable, may not be waived. You must include payment of the fee(s) when you submit this form. Failure to submit the fee(s) when required will result in rejection or denial of your submission. Each of these fee(s) should be paid by separate check(s) or money order(s).</p> <p>...</p> <p>[Page 21]</p> <p>Section 3. Numerical Limitation Information</p> <p>[no change]</p> <p>...</p> <p>b. The petitioner is a nonprofit entity related to or affiliated with an institution of higher education as defined in 8 CFR 214.2(h)(8)(ii)(F)(2).</p> <p>c. The petitioner is a nonprofit research organization or a governmental research organization as defined in 8 CFR 214.2(h)(8)(ii)(F)(3).</p> <p>d. The beneficiary will spend the majority of his or her work time performing job duties at a qualifying institution, organization, or entity and those job duties directly and predominately further the essential purpose, mission, objectives, or functions of the qualifying institution, organization, or entity, namely, higher education, nonprofit research, or government research.</p>
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	<p>g. The beneficiary of this petition has been counted against the cap and: (1) was previously granted status as an H-1B nonimmigrant in the past 6 years, (2) is applying from abroad to reclaim the remaining portion of the 6 years, or (3) is seeking an extension beyond the 6-year limitation based upon sections 104(c) or 106(a) of the American Competitiveness in the Twenty-First Century Act (AC21).</p> <p>...</p>	<p>...</p> <p>g. The beneficiary of this petition has been counted against the cap and: (1) was previously granted status as an H-1B nonimmigrant, (2) is applying from abroad to reclaim the remaining portion of the 6 year period of admission, or (3) is seeking an extension beyond the 6-year limitation based upon sections 104(c) or 106(a) of the American Competitiveness in the Twenty-First Century Act (AC21).</p> <p>...</p>
<p>Pages 22-25, L Classification Supplement to Form I-129</p>	<p>[Page 22]</p> <p>L Classification Supplement to Form I-129</p> <p>1. Name of the Petitioner 2. Name of the Beneficiary</p> <p>3. This petition is (select only one box): a. An individual petition/b. A blanket petition</p> <p>4.a. Does the petitioner employ 50 or more individuals in the U.S.?</p> <p>4.b. If yes, are more than 50 percent of those employee in H-1B, L-1A or L-1B nonimmigrant status?</p> <p>...</p> <p>[Page 25]</p> <p>Section 3. Additional Fees</p> <p>NOTE: A petitioner that seeks initial approval of L nonimmigrant status for a beneficiary, or seeks approval to employ an L nonimmigrant currently working for another employer, must submit an additional \$500 Fraud Prevention and Detection fee. For petitions filed before October 1, 2015, you must submit an additional fee of \$2,250 if you responded yes to both questions in Item Numbers 4.a. and 4.b. on the first page of this L Classification Supplement. This \$2,250 fee is mandated by the provisions of Public Law 111-230, as amended by Public Law 111-347.</p> <p>These fees, when applicable, may not be waived. 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. Each of these fee(s) should be paid by separate check(s) or money order(s).</p> <p>...</p>	<p>[Page 22]</p> <p>L Classification Supplement to Form I-129</p> <p>[no change]</p> <p>4.b. If yes, are more than 50 percent of those employees in H-1B, L-1A, or L-1B nonimmigrant status? Y/N</p> <p>...</p> <p>[Page 25]</p> <p>Section 3. Additional Fees</p> <p>NOTE: A petitioner that seeks initial approval of L nonimmigrant status for a beneficiary, or seeks approval to employ an L nonimmigrant currently working for another employer, must submit an additional \$500 Fraud Prevention and Detection fee. For petitions filed on or after December 18, 2015, you must submit an additional fee of \$4,500 if you responded yes to both questions in Item Numbers 4.a. and 4.b. on the first page of this L Classification Supplement. This \$4,500 fee is mandated by the provisions of Public Law 114-113.</p> <p>These fees, when applicable, may not be waived. 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. Each of these fee(s) should be paid by separate check(s) or money order(s).</p> <p>...</p>