

TABLE OF CHANGES – INSTRUCTIONS
Form I-129, Petition for a Nonimmigrant Worker
OMB Number: 1615-0009
12/08/2016

Reason for Revision: AC21 NPRM.

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Pages 3-6, General Filing Instructions	<p>[Page 6]</p> <p>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</p>	<p>[Page 6]</p> <p>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</p>

	<p>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.pmddtc.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 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.</p>	<p>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.pmddtc.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 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/index.php.policy-guidance/deemed-exports. Information about the ITAR and how to apply for a license from DDTC are at www.pmddtc.state.gov.</p>
<p>Pages 7-18, Part 1. Petition Always Required</p>	<p>[Page 8]</p> <p>General H-1B Requirements</p> <p>Three relevant laws impacting the filing of H-1B and/or L visa petitions; include:</p> <ol style="list-style-type: none"> 1. The American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277 (signed into law on October 21, 1998); 2. The Visa Reform Act of 2004 (signed into law on December 8, 2004); and 3. Public Law 111-230 (signed into law on 	<p>[Page 8]</p> <p>General H-1B Requirements</p> <p>[no change]</p> <ol style="list-style-type: none"> 2. The H-1B Visa Reform Act of 2004 (signed into law on December 8, 2004); and 3. Public Law 114-113 (signed into law on

<p>August 13, 2010), as amended by Public Law 111-347 (signed into law January 2, 2011).</p> <p>Because of ACWIA, H-1B and H-1B1 free trade nonimmigrant petitioners must complete the H-1B Data Collection and Filing Fee Exemption Supplement, which is part of this petition. We use this supplement (formerly issued separately as Form I-129W) to collect additional information about the H-1B nonimmigrant workers and the H-1B petitioners, and to determine the applicability of fees mandated by the ACWIA, Visa Reform Act, and/or Public Law 111-230. 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 mandated under section 214(c)(9) and (12) of the INA, the ACWIA, H-1B Visa Reform Act, and/or Public Law 111-230, as amended by Public Law 111-347.</p> <p>[Page 9]</p> <p>A petitioner 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 employer, must submit an additional \$500 Fraud Prevention and Detection 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.</p> <p>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, as amended by Public Law 111-347, if:</p> <ol style="list-style-type: none"> 1. The petitioner employs 50 or more individuals in the United States; 2. More than 50 percent of those employees are in H-1B or L-1A or L-1B nonimmigrant status; and 3. The petition is filed before October 1, 2015. 	<p>December 18, 2005).</p> <p>Because of ACWIA, H-1B and H-1B1 free trade nonimmigrant petitioners must complete the H-1B Data Collection and Filing Fee Exemption Supplement, which is part of this petition. We use this supplement (formerly issued separately as Form I-129W) to collect additional information about the H-1B nonimmigrant workers and the H-1B petitioners, and to determine the applicability of fees mandated by ACWIA (INA section 214(c)(9)), the H-1B1 Visa Reform Act of 2004 (INA section 214(c)(12)), and Public Law 114-113.</p> <p>A petitioner 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 employer, must submit an additional \$500 Fraud Prevention and Detection 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.</p> <p>Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional \$4,000 (H-1B) or \$4,500 (L-1) fee mandated by Public Law 114-113, if:</p> <p>[no change]</p> <p>3. The petition is filed on or after December 18, 2015.</p>
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	<p>The Fraud Prevention and Detection Fee and Public Law 111-230 fee, when applicable, may not be waived. Each fee should be submitted by separate check or money order.</p> <p>To determine if they are subject to any of these three fees, petitioners must complete the H-1B and H1B1 Data Collection and Filing Fee Exemption Supplement discussed below.</p> <p>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement</p> <p>...</p> <p>2. Determine the appropriate American Competitiveness and Workforce Improvement Act (ACWIA) fee. The ACWIA Fee is a training fee meant to fund the training of U.S. workers. But if the employer has fewer than 25 full-time employees, they must pay only one-half of the required fee at INA 214(c)(9)(B). It also helps to determine whether the beneficiary is subject to the H-1B numerical limitation (also known as the H-1B Cap). Please note that the ACWIA fee may not be assessed to the beneficiary.</p> <p>...</p> <p>[Page 10]</p> <p>Completing Section 2. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form</p> <p>...</p> <p>2. The employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education as defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. 100(a) are defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. 1001(a). Such nonprofit organizations or entities include, but are not limited to, hospitals and medical research institutions;</p>	<p>[Page 9]</p> <p>The Fraud Prevention and Detection Fee and Public Law 114-113 Fee, when applicable, may not be waived. Each fee should be submitted by separate check or money order.</p> <p>To determine if they are subject to any of these fees, petitioners must complete the H-1B and H1B1 Data Collection and Filing Fee Exemption Supplement discussed below.</p> <p>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement</p> <p>...</p> <p>2. Determine the appropriate American Competitiveness and Workforce Improvement Act (ACWIA) fee. The ACWIA Fee is a training fee meant to fund the training of U.S. workers. But if the employer has 25 or fewer full-time employees, they must pay only one-half of the required fee at INA 214(c)(9)(B). This supplement also helps to determine whether the beneficiary is subject to the H-1B numerical limitation (also known as the H-1B Cap). Please note that the ACWIA fee may not be assessed to the beneficiary.</p> <p>...</p> <p>[Page 10]</p> <p>Completing Section 2. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form</p> <p>...</p> <p>2. The employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education as defined in 20 U.S.C. 1001(a). Such nonprofit organizations or entities include, but are not limited to, hospitals and medical research institutions;</p>
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	<p>NOTE: “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 the same board or federation;</p> <p>B. Operated by the institution of higher education; or</p> <p>C. 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;</p> <p>NOTE: “Nonprofit organization or entity” means the organization or entity is: ...</p> <p>[Page 11]</p> <p>Completing Section 3. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form All petitioners must complete Section 3., Numerical Limitation Information, 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</p>	<p>[no change]</p> <p>A. Connected to or associated with the institution of higher education through shared ownership or control by the same board or federation; or</p> <p>[no change]</p> <p>C. Attached to the institution of higher education as a member, branch, cooperative, or subsidiary; or</p> <p>D. A nonprofit entity that has entered into a formal written affiliation agreement with an institution of higher education that establishes an active working relationship between the nonprofit entity and the institution of higher education for the purposes of research or education, and a fundamental activity of the nonprofit entity is to directly contribute to the research or education mission of the institution of higher education.</p> <p>[no change]</p> <p>NOTE: The term “governmental research organization” is defined at 8 CFR 214.2(h)(19)(iii)(C) as “a federal, state, or local entity whose primary mission is the performance or promotion of basic research and/or applied research.”</p> <p>[no change]</p> <p>...</p> <p>[Page 11]</p> <p>[no change]</p>
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	<p>or CNMI are exempt from the statutory caps for the H visa programs through December 31, 2019.</p> <p>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>	<p>The Form I-129 H Classification Supplement and H-1B Data Collection and Filing Fee Exemption Worksheet require employers to indicate the specific reason for any claimed cap exemption. Please select, in Section 3 of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement, the reason(s) this petition is exempt from the numerical limitation for H-1B classification:</p> <ol style="list-style-type: none"> 1. The employer is an institution of higher education as defined in 20 U.S.C. 1001(a); 2. The employer 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); 3. The employer is a nonprofit research organization or governmental research organization that is primarily engaged in basic research and/or applied research as defined in 8 CFR 214.2(h)(8)(ii)(F)(3); <p>NOTE: To determine if you qualify for exemption from the H-1B cap as an institution of higher education, nonprofit entity related to or affiliated with an institution of higher education, nonprofit research organization or governmental research organization, please refer to the definitions of those terms in the section above (“Completing Section 2. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form”).”</p> <ol style="list-style-type: none"> 4. 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 predominantly further the essential purpose, mission, objectives, or functions of the qualifying institution, organization, or entity, namely, either higher education, nonprofit research, or governmental research; <p>NOTE: The burden is on the H-1B petitioner to establish that there is a nexus</p>
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	<p><u>H-2A Nonimmigrants</u></p> <p>...</p>	<p>between the duties to be performed by the H-1B alien and the essential purpose, mission, objectives or functions of the qualifying institution, organization or entity.</p> <p>5. The beneficiary is currently employed at a cap-exempt institution, entity, or organization and you seek to concurrently employ the H-1B beneficiary;</p> <p>6. The beneficiary is a J-1 nonimmigrant physician who has received a waiver based on section 214(l) of the Act;</p> <p>7. The beneficiary of this petition has been counted against the regular H-1B cap or masters cap exemption; and</p> <p>A. This petition is an amended petition without an extension of stay request;</p> <p>B. You are applying to extend or obtain H-1B classification for time remaining (including through recapture) on the beneficiary's full period of authorized admission; or</p> <p>[Page 12]</p> <p>C. You are seeking an extension beyond the 6-year period of authorized admission limitation based on sections 104(c) or 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act (AC21); or</p> <p>8. The petitioner is an employer eligible for the Guam-CNMI cap exemption pursuant to Public Law 110-229.</p> <p><u>H-2A Nonimmigrants</u></p> <p>...</p>
<p>Pages 22-25, Part 2. Petition Only Required for an Alien in the United States to Change Status or Extend Stay</p>	<p>[Page 22]</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</p>	<p>[Page 22]</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</p>

	<p>United States. 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: The beneficiary must be maintaining lawful status in the United States to remain eligible for the benefit sought.</p> <p><u>E-1 Nonimmigrants</u></p> <p>The E-1 classification is for aliens who are nationals of a country with which the United States maintains a qualifying treaty or an international agreement, or which has been deemed a qualifying country by legislation, and who are 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/fees/fees_3726.html for a list of qualifying countries.</p> <p>Write E-1 in the classification block.</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 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>	<p>United States. 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: The beneficiary must be maintaining lawful status in the United States to remain eligible for the benefit sought.</p> <p><u>E-1 Nonimmigrants</u></p> <p>The E-1 classification is for aliens who are nationals of a country with which the United States maintains a qualifying treaty or an international agreement, or which has been deemed a qualifying country by legislation, and who are 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 https://travel.state.gov/content/visas/en/fees/treaty.html for a list of qualifying countries.</p> <p>Write E-1 in the classification block.</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 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>
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	<p>The petition must be filed with evidence of:</p> <p>1. Ownership and Nationality of the E-1 treaty trader. 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;</p> <p>2. Substantial Trade. Evidence of substantial trade may include, but is 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, or other probative documentation establishing the requisite substantial trade; and</p> <p>3. For E-1 employees only: Executive or Supervisory Duties or special qualification essential to the enterprise. Evidence of such duties or qualifications may include, but is 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><u>E-2 Nonimmigrants</u></p> <p>The E-2 classification is for aliens who are nationals of a country with which the United States maintains a qualifying treaty or an international agreement, or which has been deemed a qualifying country by legislation, and who are coming to the United States to develop and direct the operations of an enterprise in which the alien 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/fees/fees_3726.html for a list of qualifying countries.</p> <p>...</p>	<p>The petition must be filed with evidence of:</p> <p>1. Ownership and Nationality of the E-1 treaty trader. 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;</p> <p>2. Substantial Trade. Evidence of substantial trade may include, but is 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, or other probative documentation establishing the requisite substantial trade; and</p> <p>3. For E-1 employees only: Executive or Supervisory Duties or special qualification essential to the enterprise. Evidence of such duties or qualifications may include, but is 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><u>E-2 Nonimmigrants</u></p> <p>The E-2 classification is for aliens who are nationals of a country with which the United States maintains a qualifying treaty or an international agreement, or which has been deemed a qualifying country by legislation, and who are coming to the United States to develop and direct the operations of an enterprise in which the alien 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 https://travel.state.gov/content/visas/en/fees/treaty.html for a list of qualifying countries.</p> <p>...</p>
<p>Pages 25-26, What Is the Filing Fee</p>	<p>[Page 25]</p>	<p>[Page 25]</p>

	<p>What Is the Filing Fee</p> <p>The base filing fee for this petition is \$325.</p> <p>American Competitiveness and Workforce Improvement Act (ACWIA) fee for certain H-1B and H-1B1 Petitions</p> <p>A petitioner 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 Section 2. of the H-1B Data Collection and Filing Fee Exemption Supplement, an additional fee of either \$1,500 or \$750. To determine which ACWIA fee to pay, complete Section 2., of the H-1B Data Collection and Filing Fee Exemption Supplement.</p> <p>A petitioner 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 orders, one for the ACWIA fee and one for the petition fee.</p> <p>Fraud Prevention and Detection fee for H-1B, L-1, and H-2B Petitions</p> <p>A petitioner 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 petitioner, must submit a \$500 Fraud Prevention and Detection fee. Petitioners for Chile or Singapore H-1B1 Free Trade Nonimmigrants do not have to pay the \$500 fee or the additional fee required under Public Law 111-230.</p> <p>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, as</p>	<p>What Is the Filing Fee</p> <p>The base filing fee for Form I-129 is \$460.</p> <p>A petitioner filing Form I-129 for an H-1B nonimmigrant or for a Chile or Singapore H-1B1 Free Trade Nonimmigrant must submit the \$460 petition filing fee and, unless exempt under Section 2. of the H-1B Data Collection and Filing Fee Exemption Supplement, an additional fee of either \$1,500 or \$750. To determine which ACWIA fee to pay, complete Section 2., of the H-1B Data Collection and Filing Fee Exemption Supplement.</p> <p>[no change]</p> <p>[Page 26]</p> <p>Additional fees for H-1B, L-1, and H-2B Petitions</p> <p>A petitioner 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 petitioner, must submit a \$500 Fraud Prevention and Detection fee. Petitioners for Chile or Singapore H-1B1 Free Trade Nonimmigrants do not have to pay the \$500 fee.</p> <p>Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional \$4,000 (H-1B) or \$4,500 (L-1) fee mandated by Public Law 114-113, if:</p>
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	<p>amended by Public Law 111-347, if:</p> <ol style="list-style-type: none"> 1. The petitioner employs 50 or more individuals in the United States; 2. More than 50 percent of those employees are in H-1B, L-1A or L-1B nonimmigrant status; and 3. The petition is filed before October 1, 2015. <p>Employers filing H-2B petitions must submit an additional fee of \$150.</p> <p>You must include payment of the fees with your submission of this form. Failure to submit the fees when required will result in rejection or denial of your submission.</p> <p>NOTE: The Fraud Prevention and Detection fee and Public Law 111-230 fee, when applicable, may not be waived. Each fee should be submitted in a separate check or money order.</p> <p>Biometrics Services fee for certain beneficiaries in the CNMI</p> <p>An additional biometrics services fee as described in 8 CFR 103.7(b) is required if the alien is lawfully present in the CNMI when applying for an initial grant of any federal nonimmigrant status. After submission of the form, USCIS will notify you about when and where to go for biometric services.</p> <p>General Fee Information</p> <p>Fees must be submitted in the exact amount and cannot be refunded. Do not mail cash.</p> <p>Use the following guidelines when you prepare your check or money order for the required fees:</p> <p>All checks and money orders must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency.</p>	<p>[no change]</p> <ol style="list-style-type: none"> 2. More than 50 percent of those employees are in H-1B, L-1A, or L-1B nonimmigrant status; and 3. The petition is filed on or after December 18, 2015. <p>Employers filing H-2B petitions must submit an additional fee of \$150.</p> <p>[no change]</p> <p>NOTE: The Fraud Prevention and Detection fee and Public Law 114-113 fee, when applicable, may not be waived. Each fee should be submitted in a separate check or money order.</p> <p>Biometrics Services fee for certain beneficiaries in the CNMI</p> <p>[no change]</p> <p>[delete]</p> <p>NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this petition. DO NOT MAIL CASH. You must submit all fees in the exact amounts.</p> <p>Use the following guidelines when you prepare your checks or money orders for the Form I-129 filing fee:</p> <ol style="list-style-type: none"> 1. The check and money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and 2. Make the checks or money orders
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The check or money order must be made payable to the **Department of Homeland Security**.

NOTE: Spell out Department of Homeland Security. Do not use the initials “DHS” or “USDHS.”

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Notice to Those Making Payment by Check

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will scan your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The fee on this form is current as of the edition date appearing in the lower left 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. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for the fee information. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

payable to **U.S. Department of Homeland Security**.

NOTE: Spell out **U.S. Department of Homeland Security**; do not use the initials “USDHS” or “DHS.”

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Notice to Those Making Payment by Check. If you send us a check, **USCIS will convert it into** an electronic funds transfer (EFT). This means we will **copy** your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and **your bank will show it** on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. **If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.**

How to Check If the Fees Are Correct

Form I-129's filing fee **and biometrics services fee are** current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify **that the fees are correct by following one of the steps below.**

1. Visit the USCIS **website** at www.uscis.gov, select “FORMS,” and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask **for fee** information. For **TTY** (deaf or hard of hearing) call: **1-800-767-1833**.

	<p>NOTE: If your petition requires payment of a biometrics services fee for USCIS to take your fingerprints, photograph or signature or you are requesting premium processing service, you can use the same procedure to obtain the correct biometric fee.</p>	<p>[delete.]</p>
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