



# Instructions for Application for Nonimmigrant Worker: H-3, P, Q, or R Classifications

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form  
I-129MISC  
OMB No. 1615-0009  
Expires 01/31/2022

## What is The Purpose of Form I-129MISC

This form is used by an employer to petition U.S. Citizenship and Immigration Services (USCIS) for an alien beneficiary to come temporarily to the United States as a nonimmigrant to perform services or labor, or to receive training.

Form I-129MISC consists of the:

1. Basic application; and
2. Individual supplements relating to specific classifications.

This form can be used to petition for the following classifications:

**H-3** – trainee or special education exchange visitor

**P-1A** – major league sports

**P-1A** – internationally recognized athlete or team

**P-1A** – professional athlete

**P-1A** – amateur athlete or coach

**P-1A** – theatrical ice skater

**P-1B** – entertainment group

**P-1S** – essential support personnel for a P-1

**P-2** – artist/entertainer in reciprocal exchange program

**P-2S** – essential support personnel for a P-2

**P-3** – artist/entertainer coming to the United States to perform, teach, or coach under a program that is culturally unique

**P-3S** – essential support personnel for a P-3

**Q-1** – alien coming temporarily to participate in an international cultural exchange program

**R-1** – religious worker

## Who May File Form I-129MISC?

**General.** A U.S. employer, U.S. agent, or U.S. sponsor, as applicable, may file this form and applicable supplements to classify an alien in any nonimmigrant classification listed above.

**Agents.** **If filing for a P classification,** a U.S. individual or company in business as an agent may file a petition for workers who are traditionally self-employed or workers who use agents to arrange short-term employment on their behalf with numerous employers, and in cases where a foreign employer authorizes the U.S. agent to act on its behalf.

## General Instructions

USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have internet access, you may order USCIS forms by calling the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**Signature.** Each petition must be properly signed and filed. For all signatures on this petition, USCIS will not accept a stamped or typewritten name in place of a signature. A legal guardian may also sign for a mentally incompetent person. If the request is not signed or if the requisite signature on the request is not valid, USCIS will reject the request. See 8 CFR 103.2(a)(7)(ii)(A). If USCIS accepts a request for adjudication and determines that it has a deficient signature, USCIS will deny the request.

**Validity of Signatures.** USCIS will consider a photocopied, faxed, or scanned copy of the original, handwritten signature valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten, ink signature.

**Filing Fee.** Each petition must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these Instructions.)

**Evidence.** At the time of filing, you must submit all evidence required by statute, regulations and/or these Instructions with your petition, as applicable. USCIS may reject or deny your petition for failure to submit evidence or supporting documents in accordance with 8 CFR 103.2(b)(1).

**Biometric Services Appointment for Certain Applicants.** After receiving your petition and ensuring completeness, USCIS may inform you in writing if the beneficiary or beneficiaries must submit biometrics. Failure of a beneficiary to appear at a biometrics appointment may result in denial of your petition.

**Copies.** You should submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application or petition. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

**NOTE:** If you submit original documents when not required or requested by USCIS, **your original documents may be immediately destroyed after we receive them.**

**Translations.** If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must also include the translator's signature, printed name, the signature date, and the translator's contact information.

### How to Fill Out Form I-129MISC

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this petition, use the space provided in **Part 9. Additional Information** or attach a separate sheet of paper. Type or print the petitioning individual or sole proprietor's legal name, or the company or organization name, at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, "Provide the name of your current spouse"), type or print "N/A" unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None" unless otherwise directed.
4. You should submit a duplicate copy of the petition and all supporting documentation. **Failure to do so may result in delays in processing this petition or in visa processing abroad.**

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## Information About Form I-129MISC

**Including more than one beneficiary in a petition.** If you are filing for one of the following classifications and meet the listed conditions, you may include up to 25 beneficiaries on the same petition:

1. H-3, if all beneficiaries will receive the same training for the same period of time in the same location;
2. P-1, P-2, P-3, P-1S, P-2S, P-3S, if the beneficiaries are all members of a team, or if they will provide essential support to P-1, P-2, or P-3 beneficiaries performing in the same location and in the same occupation.

Petitioners must file a separate Form I-129MISC for P essential support personnel apart from any petition they file for P principal aliens or a P group or team.

3. Q-1, if the beneficiaries will perform the same services, receive the same training, or participate in the same international cultural exchange program.

**NOTE:** Petitions for R-1 classification may not include more than one beneficiary.

**Naming beneficiaries.** All beneficiaries in a petition must be named. You may include up to 25 beneficiaries on the same petition, if you are seeking the same classification for each beneficiary. If you seek H-3, P, or Q classification for more than 25 beneficiaries, or seek different classifications for each beneficiary, you will need to file more than one petition.

**Multiple locations.** An H-3, P, or Q petition for aliens to perform services or receive training in more than one location must include an itinerary with the dates and locations where the services or training will take place.

### H-3 Nonimmigrants (Two Types)

1. The H-3 classification is for beneficiaries coming to the United States temporarily to participate in a special education exchange visitor program in the education of children with physical, mental, or emotional disabilities.

Any custodial care of the children must be incidental to the training program. The petition must be filed by a 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 training and hands-on experience to participants in the special education exchange visitor program.

The petition must be filed with:

- A. A description of the training, staff, and facilities; evidence that the program meets the above conditions; and details of the beneficiary's participation in the program; and
  - B. 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.
2. The H-3 classification is also for beneficiaries coming to the United States temporarily to receive training from an employer in any field other than graduate medical education or training.

The petition must be filed with:

- A. 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;
- B. A summary of the prior training and experience of each beneficiary in the petition; and
- C. 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.

### P Nonimmigrants (Five Types)

The following instructions apply to petitions for classification as P-1A or P-1 Major League Sports, P-1B Entertainer or Entertainment Group, P-2 Nonimmigrants, P-3 Nonimmigrants, or P-1S, P-2S, or P-3S Essential Support Personnel.

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**Written Consultation for P Nonimmigrants.** P nonimmigrant classifications require a written consultation with a recognized labor organization regarding the nature of the work to be done and the beneficiary's qualifications before USCIS can approve the petition.

To obtain timely adjudication of a petition, you should obtain a written advisory opinion from an appropriate labor organization and submit it with the petition. See <https://www.uscis.gov/working-united-states/address-index-i-129-o-and-p-consultation-letters> for more information about locating a labor organization.

If you file a petition without the advisory opinion, you will need to send a copy of the petition and all supporting documents to the appropriate organization when you file the petition with USCIS, and name that organization in the petition. Explain to the organization that USCIS will contact them for an advisory opinion for certain classifications.

If you do not know the name of an appropriate organization with which to consult, indicate that on the petition. However, a petition filed without the actual advisory opinion will take substantially longer for USCIS to process.

**Liability for Return Transportation.** The Immigration and Nationality Act makes a petitioner liable for the reasonable cost of return transportation for a P beneficiary who is dismissed before the end of the period of authorized admission.

**General Itinerary Requirement.** All P petitions must include 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 or activities.

**Specific Itinerary Requirement.** Services in more than one location: A P petition that requires services to be performed in more than one location must include an itinerary with the dates and locations of services.

**1. Petitions filed by an agent:**

- A.** Petitions involving services or multiple employers filed by a U.S. agent must include a complete itinerary of services or engagements that specifies the dates of each service or engagement, the names and addresses of the actual employers, and the names and addresses of the establishments, venues, or locations where the services will be performed.
- B.** Petitions involving U.S. agents performing the function of an employer requires itinerary of definite employment and information on any other services planned for the period of time requested.

**General Contract Requirements.** All P petitions require a copy of any written contract between the petitioner and beneficiary or, if a written contract does not exist, USCIS will accept evidence that summarizes the terms of the oral agreement under which the beneficiary will be employed.

**Specific contract requirements.** The type of agent-petitioner scenario determines the type of contract or summary of the terms of the oral agreement that must be submitted. If the agent:

- 1.** Is the actual employer and filing on behalf of other employers, then the written contract, or the summary of the terms of the oral agreement, between the agent and the beneficiary that specifies the wage offered and other terms and conditions of employment is required.
- 2.** Represents multiple employers as the representative of both the employers and the beneficiary, then the contracts or the summaries of the terms of the oral agreement between each employer and the beneficiary are required.
- 3.** Is performing the function of an employer, then the contractual agreement, or the summary of the terms of the oral agreement, between the agent and beneficiary that specifies the wage offered and the other terms and conditions of the employment is required.
- 4.** Is filing for a foreign employer, then a contract between the foreign employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed is required.

**P-1A or P-1 Major League Sports**

The P-1A classification is for beneficiaries coming to the United States temporarily to perform at a specific athletic competition as an individual or as part of a team participating at an internationally recognized level of performance.

The P-1A classification is for aliens coming temporarily to the United States solely for the purpose of performing at a specific athletic competition as:

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1. An individual athlete at an internationally recognized level of performance;
  2. Part of a team at an internationally recognized level of performance;
  3. A professional athlete; or
  4. An athlete or coach, as part of a team or franchise that is located in the United States and a member of a foreign league or qualifying association.

The P-1A classification also applies to professional or amateur athletes coming temporarily and solely to the U.S. to perform in a specific theatrical ice skating production or tour, individually or as part of a group.

The P-1A Major League Sports classification (baseball, hockey, soccer, basketball, and football) is for an association of teams or clubs that compete chiefly among themselves which include major league athletes, minor league sports, and any affiliates associated with the major leagues. Support personnel for Major League Sports include coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters.

The petition must be filed with:

1. A written consultation from a labor organization, if one exists;
2. A copy of the tendered contract with a major U.S. sports league or team or a tendered 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. Other documentation, including a description of the activities that will be performed, showing eligibility as a P-1A.

**A. Internationally recognized athletes or teams**

Provide evidence of at least two of the following:

- (1) Significant participation in a prior season with a major U.S. sports league;
- (2) Significant participation in a prior season for a U.S. college or university in intercollegiate competition;
- (3) Participation in international competition with a national team;
- (4) 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;
- (5) 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;
- (6) That the beneficiary or team is ranked, if the sport has international rankings; or
- (7) That the beneficiary or team has received a significant honor or award in the sport.

**B. Professional athletes**

You must be coming to the United States to be employed as an athlete by:

- (1) A team that is a member of an association of six (6) or more professional sports teams whose total combined revenues exceeds \$10,000,000 per year. The association must govern the conduct of its members and regulate the contests and exhibitions in which its member teams regularly engage; or
- (2) Any minor league team that is affiliated with such an association.

**C. Amateur athletes or coaches**

You must be coming to the United States to perform as an athlete or coach as part of a U.S. team or franchise that is a member of a foreign league or association. The foreign league or association must meet the following requirements:

- (1) The league or association must consist of 15 or more amateur sports teams;



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- (2) Participation in the league makes players temporarily or permanently ineligible under National Collegiate Athletic Association (NCAA) rules to:
    - (a) Earn a scholarship in the sport at a U.S. college or university; or
    - (b) Participate in the sport at a U.S. college or university;
  - (3) The league or association must be the highest level of amateur performance of that sport in the relevant foreign country; and
  - (4) significant number of the individuals who play in the league or association are drafted by a major sports league or a minor league affiliate.

**D. Theatrical ice skaters**

You must be coming to the United States to participate in a specific theatrical ice skating production or tour as a professional or amateur athlete who performs individually or as part of a group in a theatrical ice skating production.

**P-1B Entertainer or Entertainment Group**

The P-1B classification is for beneficiaries coming to the United States 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 sustained relationship with the group (ordinarily for at least one year).

The petition must be filed with:

1. A written consultation;
2. Evidence that the 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 group has performed, and will perform as a starring or leading group in productions or events with a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications contracts, or endorsements;
  - B. The group has achieved international recognition and acclaim for outstanding achievement in the field as evidenced by reviews in major newspapers, trade journals, magazines, or other published material;
  - C. The group has performed, and will perform, services as a star or leading group for organizations and establishments that have a distinguished reputation evidenced by articles in newspapers, trade journals, publications, or testimonials;
  - D. The group has a record of major commercial or critically acclaimed success as evidenced by such indicators as ratings, standing in the field, box office receipts, record, cassette, or video sales and other achievements in the field as reported in trade journals, major newspaper, or other publications;
  - E. The group has received significant recognition for achievements from critics, organizations, government agencies, or other recognized experts in the field. Such testimonials must be in a form that clearly indicates the author's authority, expertise, and knowledge of the alien's achievements; or
  - F. The group commands a high salary or other substantial remuneration for services compared to others similarly situated in the field as evidenced by contracts or other reliable evidence.
3. Evidence that seventy-five percent of the members of the group have been performing entertainment services for the group for a minimum of one year. Provide a list of the beneficiary's functions that are integral to the group's performance.

The one-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:

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- A. The one-year requirement and the international recognition requirement because the group are circus personnel who perform as part of a circus or circus group, or who constitute an integral and essential part of the performance of such circus or circus group, and are coming to join a circus that has been recognized nationally as outstanding for a sustained and substantial period of time or as part of such a circus;
  - B. The international recognition requirement where the group has been nationally recognized as outstanding in its discipline for a sustained and substantial period of time but special circumstances, such as limited access to news media or consequences of geography, make it difficult to demonstrate recognition in more than one country; or
  - C. The one-year relationship requirement when replacing an essential member or one who performs a critical role because of illness or unanticipated and exigent circumstances.

### **P-2 Nonimmigrants**

The P-2 classification is for beneficiaries coming to the United States 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.

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

1. A written consultation;
2. A copy of the reciprocal exchange program agreement between the U.S. organization(s) which sponsor the aliens and an organization(s) in a foreign country which will receive the U.S. artists or entertainers;
3. A statement from the sponsoring organization describing the reciprocal agreement as it relates to the petition;
4. Evidence that the beneficiary(ies) 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 Nonimmigrants**

The P-3 classification is for beneficiaries coming to the United States 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.

The petition must be filed with:

1. A written consultation;
2. Evidence that all performances will be culturally unique events; and **either**
  - A. Affidavits, testimonials, or letters from recognized experts attesting to the authenticity of the beneficiary's or group's skills in performing, 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.

### **P-1S, P-2S, or P-3S Essential Support Personnel**

The P-1S, P-2S, or P-3S classifications are for beneficiaries coming to the United States temporarily as essential and integral parts of the competition or performance of a principal P-1 athlete, athletic team or entertainment group, P-2, or P-3 entertainer or entertainment group, 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.

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The petition must be filed with:

1. A written consultation;
2. Evidence of the beneficiary's qualifications to perform the services, if any;
3. A statement describing the describing the beneficiary(ies) prior essentiality, critical skills, and experience with the principal P-1, P-2, or P-3; and
4. 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.

### Q-1 Nonimmigrants

The Q-1 classification is for beneficiaries coming to the United States temporarily to participate in an international cultural exchange program for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality.

An international cultural exchange program must meet all of the following requirements:

1. **Accessibility to the public.** The international cultural exchange program must take place in a school, museum, business or other establishment where the American public, or a segment of the public sharing a common cultural interest, is exposed to aspects of a foreign culture as part of a structured program. Activities that take place in a private home or an isolated business setting to which the American public, or a segment of the public sharing a common cultural interest, does not have direct access do not qualify.
2. **Cultural component.** The international cultural exchange program must have a cultural component which is an essential and integral part of the international cultural exchange visitor's employment or training. The cultural component must be designed, on the whole, to exhibit or explain the attitude, customs, history, heritage, philosophy, or traditions of the international cultural exchange visitor's country of nationality. A cultural component may include structured instructional activities such as seminars, courses, lecture series, or language camps.
3. **Work component.** The international cultural exchange visitor's employment or training in the United States may not be independent of the cultural component of the international cultural exchange program. The work component must serve as the vehicle to achieve the objectives of the cultural component. The sharing of the culture of the international cultural exchange visitor's country of nationality must result from his or her employment or training with the qualified employer in the United States.

An employer (U.S. or foreign firm, corporation, nonprofit organization, or other legal entity) or its designated agent may file the petition. If a designated agent is filing the petition, that agent must be employed by the qualified employer on a permanent basis in an executive or managerial capacity and must be either a U.S. citizen or lawful permanent resident.

1. To be eligible for international cultural exchange visitor status, an alien must be a bona fide nonimmigrant who:
  - A. Is at least 18 years of age at the time the petition is filed;
  - B. Is qualified to perform the service or labor or receive the type of training stated in the petition;
  - C. Has the ability to communicate effectively about the cultural attributes of his or her country of nationality to the American public; and
  - D. Has resided and been physically present outside of the United States for the immediate prior year, if he or she was previously admitted as an international cultural exchange visitor.
2. The petition must be filed with evidence showing that the employer:
  - A. Maintains an established international cultural exchange program;
  - B. Has designated a qualified employee to administer the program and serve as a liaison with USCIS;
  - C. Is actively doing business in the United States;
  - D. Will offer the beneficiary wages and working conditions comparable to those afforded local domestic workers similarly employed; and



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E. Has the financial ability to remunerate the participants.

3. Evidence to demonstrate that the petitioner has an established international cultural exchange program includes program documentation, such as catalogs, brochures, or other types of material.
4. Evidence to demonstrate financial ability to remunerate the participants includes your organization's most recent annual report, business income tax return, or other form of certified accountant's report.

**NOTE:** If the proposed dates of employment are within the same calendar year of a previously approved Q-1 petition filed for the same international cultural exchange program, a copy of the approval notice for that prior petition may be submitted in lieu of the required evidence about the program described above.

### **R-1 Nonimmigrants**

The R-1 classification is for beneficiaries coming to the United States temporarily to be employed at least part time (average of at least 20 hours per week) by a bona fide nonprofit religious organization in the United States (or a bona fide organization that is affiliated with the religious denomination in the United States) to work:

1. Solely as a minister;
2. In a religious vocation; or
3. In a religious occupation.

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

The beneficiary must also be otherwise qualified for the position offered. For example, if the position requires that the beneficiary must be ordained or completed certain training or education, the beneficiary must meet those requirements.

If the offered position at the petitioning organization requires fewer than twenty hours per week, the compensated service for another religious organization and the compensated service at the petitioning organization will total at least twenty hours per week.

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

1. Evidence relating to the petitioning organization:
  - 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 any subsequent amendments or equivalent sections of prior enactments of the IRC, as something other than a religious organization.
    - (1) A currently valid determination letter from the IRS establishing that the organization is a tax-exempt organization;
    - (2) 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;
    - (3) 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
    - (4) Religious Denomination Certification, which is part of the R-1 Classification Supplement to Form I-129MISC, 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-129MISC, completed, signed, and dated by an authorized official of the petitioner;

3. Verifiable evidence of how the petitioner intends to compensate the beneficiary, including salaried or non-salaried compensation;
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.

#### **All Classifications - Change of Status or Extension of Stay**

A petition requesting a change of status or an extension of stay for an employee in the United States must be filed with the evidence listed below. Consult the regulations that relate to the specific nonimmigrant classification sought.

A nonimmigrant who must have a passport to be admitted must maintain a valid passport during his or her entire stay. If a required passport is not valid, include a full explanation with your petition.

A petition requesting a change of status or an extension of stay must be filed with:

1. A copy of the beneficiary's Form I-94, Nonimmigrant Arrival/Departure Record, passport, travel document, or Form I-797;
2. Evidence showing that the beneficiary qualifies for the specific classification sought;
3. A copy of the beneficiary's last two pay stubs and most recent W-2, if applicable; and
4. Evidence the beneficiary continues to meet the licensing requirements for the profession or occupation, if applicable.

**NOTE:** 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.

The following nonimmigrants are not eligible to change status:

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);
5. A spouse of a U.S. citizen (K-3) or his or her dependent (K-4);
6. A J-1 exchange visitor who was admitted in J-1 status for the purpose of receiving graduate medical training;
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.

#### **Special Instructions for Beneficiaries Residing in CNMI**

An alien who was admitted to the CNMI prior to November 28, 2009 may not currently hold a Federal nonimmigrant classification that permits a change of status. However, in certain situations, a petitioner may request that the beneficiary be granted initial status in the CNMI. This will allow certain beneficiaries who were present in the CNMI prior to the transition date and are currently lawfully present in the CNMI in parole status to be granted an initial nonimmigrant status without having to depart the CNMI.

## Specific Instructions

### Part 1. Petitioner Information

**Item Numbers 1. and 2.** If you are an individual or sole proprietor (someone who owns a business, but the business is not organized as a separate legal entity) filing this petition, complete **Item Numbers 1. and 2.**

**Item Number 3. Name of Petitioning Enterprise.** If you are an enterprise filing this petition, provide the name of your company or organization.

**Item Number 4. Trade Name or “Doing Business As” Name.** If you are an enterprise that is known by a different name than the one you provided in **Item Number 3.**, provide your trade name or “doing business as” name.

**Item Number 5. Petitioner’s Primary U.S. Office Address.** Provide the address of the petitioner’s primary office within the United States. The primary U.S. office address must not be the address of petitioner’s outside counsel or clients. Petitions filed with an address that is not the petitioner’s U.S. office address may be rejected or denied. The location of your primary office may determine where the petition must be filed.

**Item Number 7. Petitioner’s Mailing Address.** Provide the petitioner’s mailing address, if different from the Primary U.S. Office Address.

**Item Number 8. Petitioner’s Contact Information.** Provide the petitioner’s contact information.

**Item Number 9. Tax Payer Identification Numbers.** Provide an Employer Identification Number (EIN), Individual Taxpayer Identification Number (ITIN), and/or U.S. Social Security Number (SSN), as applicable. Individual employers and sole proprietors must provide a U.S. Social Security Number.

**Item Number 11. E-Verify Information.** If the petitioner participates in E-Verify and will complete Form(s) I-9, Employment Eligibility Verification, for the beneficiary(ies) to perform services or labor, or to receive training, provide the petitioner’s E-Verify Company Identification Number or Client Company Identification Number. Employers who do not participate in E-Verify should answer “No” to **Item Number 11.** Agents and sponsors who do not complete Form I-9 for the beneficiary(ies) should answer “No” to **Item Number 11.** E-Verify is an Internet-based system that compares information entered by an employer from an employee’s Form I-9 to records available to DHS and the Social Security Administration to confirm employment eligibility. The E-Verify Company Identification Number, which consists of four to seven numerical characters, is located on each page of the memorandum of understanding directly below the E-Verify logo. The E-Verify Contact Center is available to assist you if you have additional questions by emailing [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov).

### Part 2. Information About This Petition

**Item Number 2. Basis for Classification.** Select **only one** of the following options:

**Item A. New employment.** Select this box if the beneficiary:

1. Is outside the United States and holds no classification;
2. Will begin employment for a new U.S. employer in a different nonimmigrant classification than the beneficiary currently holds; **or**
3. Will work for the **same** employer but in a different nonimmigrant classification.

**NOTE:** Do not select this box if the beneficiary will work for the same employer in the same classification, but there is a material change in the terms and conditions of employment, training, or the beneficiary’s eligibility as specified in the original approved petition. Select the box for **Item F., Amended Petition**, instead.

**Item B. Continuation of previously approved employment without change with the same employer.** Select this box if you are 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.

**Item C. Change in previously approved employment.** Select this box if you are notifying 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.

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**Item D. New concurrent employment.** Select this box if you are 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.

**Item E. Change of employer.** Select this box if you are applying for a beneficiary to begin employment working for a new employer in the same nonimmigrant classification that the beneficiary currently holds.

**Item F. Amended petition.** Select this box if you are applying to notify USCIS of a material change in the terms or conditions of employment, training, or the beneficiary's eligibility as specified in the original approved petition.

**Item Number 4. Requested Action.** The following explains the actions petitioners may request on their petition. Select **only one** action.

**Item A. Notify the office listed in Part 4. so each beneficiary can seek a visa or admission.** Select this box if the beneficiary(ies) is/are outside of the United States, or, if the beneficiary(ies) is/are currently in the United States, they will leave the United States to obtain a visa/admission abroad.

**Item B. Change the status and extend the stay of each beneficiary who is now in the United States in another status.** Select this box if the beneficiary(ies) is/are currently in the United States in a different nonimmigrant classification and is/are applying to change to a new nonimmigrant status.

**Item C. Extend the stay of each beneficiary who now holds this status.** Select this box if the beneficiary(ies) is/are currently in the United States in a nonimmigrant classification and is/are requesting an extension of stay in the same nonimmigrant classification.

**Item D. Amend the stay of each beneficiary who now holds this status.** Select this box if the beneficiary(ies) is/are currently in the United States in the same nonimmigrant classification and you are notifying USCIS of any material changes in the terms and conditions of employment, training, or the beneficiary's(ies') eligibility as specified in the original approved petition, but you are not seeking a change in previously approved validity dates.

### Part 3. Beneficiary Information

**Item Number 14. Form I-94, Arrival-Departure Record.** If U.S. Customs and Border Protection (CBP) or USCIS issued the beneficiary a Form I-94, Arrival-Departure Record, provide his or her Form I-94 number and date that his or her authorized period of stay expires or expired (as shown on his or her Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.

**NOTE:** If the beneficiary was admitted to the United States by CBP at an airport or seaport after April 30, 2013, CBP may have issued him or her an electronic Form I-94 instead of a paper Form I-94. The beneficiary may visit the CBP website at [www.cbp.gov/i94](http://www.cbp.gov/i94) to obtain a paper version of an electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport after April 30, 2013, with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP website without charge. If the beneficiary cannot obtain their Form I-94 from the CBP website, the beneficiary may obtain it by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS **does** charge a fee for this service. See the USCIS website at [www.uscis.gov/I-102](http://www.uscis.gov/I-102) for more information.

**Passport and Travel Document Numbers.** If the beneficiary used a passport or travel document to travel to the United States, enter either the passport or travel document information in the appropriate space on the petition, even if the passport or travel document is currently expired.

**Item Number 16. Beneficiary's Current Residential U.S. Address.** You must provide the beneficiary's current address if the beneficiary is in the United States. USCIS will use this address, unless otherwise updated through the AR-11, Alien's Change of Address process, to notify the beneficiary if USCIS denies a request to change status or extend stay submitted on Form I-129MISC.

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**Part 6. Statement, Contact Information, Certification, and Signature of the Petitioner or Authorized Signatory.**

Select the appropriate box to indicate whether you read this petition yourself or whether you had an interpreter assist you. If someone assisted you in completing the petition, select the box indicating that you used a preparer. Further, you must sign and date your petition. If **Part 7.** is being completed by an authorized signatory, then the authorized signatory must provide his or her daytime telephone number, mobile telephone number (if any), and email address (if any). Every petition **MUST** contain the signature of the petitioner (or parent or legal guardian, if applicable) or authorized signatory. A stamped or typewritten name in place of a signature is not acceptable.

**Part 7. Interpreter's Contact Information, Certification, and Signature.** If you used anyone as an interpreter to read the Instructions and questions on this petition to you in a language in which you are fluent, the interpreter must fill out this section; provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the petition.

**Part 8. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner or Authorized Signatory.** This section must contain the signature of the person who completed your petition, if other than you, the petitioner or authorized signatory. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 7.** and **Part 8.** If the person who completed this petition is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this petition **MUST** sign and date the petition. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your petition is an attorney or accredited representative, he or she may also need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your petition.

**We recommend that you print or save a copy of your completed application to review in the future and for your records.**

### **What Is the Filing Fee?**

The filing fee for Form I-129MISC is **\$705.**

**NOTE:** Unless USCIS rejects your petition, your filing fee will not be refunded. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts. USCIS will reject or deny your Form I-129MISC if you fail to submit required fees when you submit your petition. You should pay the filing fee and each additional fee with separate checks or money orders.

### **Payments by Checks or Money Orders**

Use the following guidelines when you prepare your checks or money orders for the Form I-129MISC filing fee and additional fees:

1. The checks or 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; **and**
2. Make the checks or money orders 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."

**Notice to Those Paying by Check.** If you send USCIS a check, we 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.



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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, we may reject your application.

### How To Check If the Fees Are Correct

Form I-129MISC's filing fee is 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 fee is correct by following one of the steps below.

1. Visit the USCIS website at [www.uscis.gov](http://www.uscis.gov), select "FORMS," and check the appropriate fee; or
2. Visit the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter) to get answers to your questions and connect with a live USCIS representative. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

### When To File?

Generally, a Form I-129MISC petition may not be filed more than six months prior to the date employment is scheduled to begin. Petitioners should review the appropriate regulatory provisions in 8 CFR that relate to the nonimmigrant classification sought.

### Where To File?

Please see our website at [www.uscis.gov/I-129](http://www.uscis.gov/I-129) or visit the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter) to connect with a USCIS representative for the most current information about where to file this petition. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

### Premium Processing

To determine if your application is eligible for Premium Processing, visit the USCIS website at [www.uscis.gov/forms/how-do-i-use-premium-processing-service](http://www.uscis.gov/forms/how-do-i-use-premium-processing-service). If your Form I-129MISC is eligible for and you are requesting Premium Processing Services, you **must** also file Form I-907, Request for Premium Processing Service. **Send Form I-129MISC and Form I-907 together according to the filing instructions for Form I-907.** Please see our website at [www.uscis.gov/I-907](http://www.uscis.gov/I-907).

### Address Change

A petitioner or beneficiary who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. USCIS will use the most recent address to notify the beneficiary that a petition requesting an extension of stay or change of status has been denied. For information on filing a change of address, go to the USCIS website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or reach out to the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter) for help. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

## Processing Information

**Initial Processing.** Once USCIS accepts your petition, we will check it for completeness. If you do not completely fill out this petition, you will not establish a basis for your eligibility and USCIS may reject or deny your petition.

**Requests for More Information.** USCIS may request that you provide more information or evidence to support your petition. We may also request that you provide the originals of any copies you submit. If we request an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

**Requests for Interview.** We may request that you appear at a USCIS office for an interview based on your petition. At the time of any interview or other appearance at a USCIS office, we may require that you provide your biometrics to verify your identity and/or update background and security checks.

**Decision.** The decision on Form I-129MISC involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

A petition that is not properly filed may be rejected. A petition is not considered properly filed until accepted by USCIS. Some reasons a petition may be rejected include that it is not properly signed, is not accompanied by the correct fee, or was not properly filed with the correct Service Center. If rejected, USCIS will return the petition along with a notice that identifies the basis for rejection. You may correct the deficiency and resubmit the petition, in most circumstances.

## USCIS Forms and Information

To ensure you are using the latest version of this petition, visit the USCIS website at [www.uscis.gov](http://www.uscis.gov) where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at [www.uscis.gov](http://www.uscis.gov). Select “Tools,” then under “Self Service Tools,” select “Make an Appointment” and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

## Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-129, we will deny your Form I-129 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 Compliance Review and Monitoring

By signing this petition, you have stated under penalty of perjury (28 U.S.C. section 1746) that all information and documentation submitted with this petition are complete, true, and correct. You also authorize the release of any information from your records that USCIS may need to determine your eligibility for the immigration benefit you are seeking and consent to USCIS verifying such information.

The U.S. Department of Homeland Security (DHS) has the authority to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. USCIS’ legal authority to verify this information is in 8 U.S.C. sections 1103, 1155, and 1184, and 8 CFR parts 103, 204, 205, and 214. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case is decided.

Agency verification methods may include, but are not limited to: review of public records and information; contact through written correspondence, the internet, fax, other electronic transmission, or telephone; unannounced physical site inspections of residences and locations of employment; and interviews. USCIS will use information obtained through verification to assess your compliance with the laws and to determine your eligibility for an immigration benefit.

Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide you with an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.

## DHS Privacy Notice

**AUTHORITIES:** The information requested on this petition, and the associated evidence, is collected under the Immigration and Nationality Act sections 101, 214, 222, and 248 and 8 CFR parts 103, 214, and 248.

**PURPOSE:** The primary purpose for providing the requested information on this petition is to petition USCIS for an alien to temporarily enter the United States as an H-3, P, Q, or R nonimmigrant. An employer (or agent or sponsor, where applicable) will also use this form to request an extension of stay in or change of status to H-3, P, Q, or R classification. DHS uses the information you provide to grant or deny the immigration benefit you are seeking.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in denial of your petition.

**ROUTINE USES:** DHS may share the information you provide on this petition and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System, DHS/USCIS-007 Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background Check] and the published privacy impact assessment [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems], which you can find at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may also share this information, 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 3 hours for Form I-129MISC; at 15 minutes for H-3 Classification Supplement to Form I-129MISC; at 30 minutes for P Classification Supplement to Form I-129MISC; at 10 minutes for Q-1 International Cultural Exchange Alien Supplement to Form I-129MISC; at 1 hour for R-1 Classification Supplement to Form I-129MISC; and at 30 minutes for Attachment 1-Additional Beneficiary for Form I-129MISC, including the time for reviewing instructions, gathering the required documentation and completing and submitting the request. 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, DC 20529-2140; OMB No 1615-0009. **Do not mail your completed Form I-129MISC to this address.**