

## Form I-129O, Instructions for Petition for Nonimmigrant Worker: O Classification

### Purpose of Form I-129O

This petition is used by a U.S. employer or U.S. agent 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.

Form I-129O consists of the:

1. Basic petition; and
2. Attachment 1-Additional Beneficiary for Form I-129O, to be filed when more than one beneficiary is included in the petition.

### Who May File Form I-129O?

**General.** A U.S. employer or U.S. agent may file this petition and applicable supplements to classify an alien beneficiary in O-1 or O-2 nonimmigrant classification.

**Agents.** A U.S. individual or company in business as an agent may file a petition for workers who are traditionally self-employed or use agents to arrange short-term employment on their behalf with multiple employers, and when 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).

**Biometrics Services Appointment for Certain Beneficiaries.** 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-1290**

1. Type or print legibly in black ink.
2. Complete the basic form and any Attachments that may be needed.
3. If you need extra space to complete any item within this petition, use the space provided in **Part 11. Additional Information** or attach a separate sheet of paper. Type or print the individual petitioner'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.
4. 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.
5. 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.**

### **Information About Form I-1290**

**Including more than one beneficiary in a petition.** You may include up to 25 beneficiaries seeking O-2 classification on the same petition if they will all be assisting the same O-1 for the same events or performances, during the same period of time, and in the same location.

If you seek O classification for more than 25 beneficiaries, or if the above conditions do not apply, you must file a separate petition.

**NOTE:** Employers must file separate petitions for O-2 accompanying aliens providing essential support. Such aliens may not be included in the same petition as the O-1 principal alien they seek to accompany.

**General Itinerary Requirement:** All O 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 Requirements**

1. Services in more than one location: A petition that requires the beneficiary to work in more than one location must include an itinerary with the dates and locations of work.
2. Petitions filed by an agent: An agent filing a petition as the representative of both the employers and the beneficiary must include a complete itinerary 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.

**General Contract Requirement:** All O 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; and
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.

### **Liability for Return Transportation**

The Immigration and Nationality Act (INA) makes a petitioner liable for the reasonable cost of return transportation for an O beneficiary who is dismissed before the end of the period of authorized admission.

### **O-1A Nonimmigrants**

**The O-1A classification is for aliens coming to the United States temporarily who have extraordinary ability in the sciences, education, business, or athletics (not including the arts, motion picture, or television industry). The beneficiary must demonstrate extraordinary ability through sustained national or international acclaim.**

The petition must be filed with:

1. A written consultation from a peer group or labor and/or management organization with expertise in the field (which could include a person or persons with expertise in the field), unless the petitioner requests expeditious handling for beneficiaries who will be employed in the field of athletics;

2. 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;
3. 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 and activities; and
4. Evidence that the beneficiary has received a major, internationally recognized award, such as the Nobel Prize, or at least **three** of the following:
  - A. Evidence of the beneficiary's receipt of major nationally or internationally recognized awards or prizes for excellence in the field of endeavor;
  - B. Evidence of the beneficiary's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their fields;
  - C. Evidence of published material in professional or major trade publications or major media relating to the beneficiary's work in the field for which classification is sought, and that includes the title, date and author of the published material;
  - D. Evidence that the beneficiary participated on a panel or individually as a judge of the work of others in the same or allied field of specialization to that for which classification is sought;
  - E. Evidence of the beneficiary's original scientific, scholarly, or business related contributions of major significance to the field;
  - F. Evidence of the beneficiary's authorship of scholarly articles in the field, in professional journals, or other major media;
  - G. Evidence of the beneficiary's prior employment in a critical or essential capacity for organizations and establishments that have a distinguished reputation; or
  - H. Evidence that the beneficiary has either commanded a high salary or will command a high salary or other remuneration for services, evidenced by contracts or other reliable evidence.

**NOTE:** If the preceding forms of evidence do not readily apply to the beneficiary's occupation, you may submit other comparable evidence.

#### **O-1B Nonimmigrants**

**The O-1B classification is for aliens coming to the United States temporarily who have extraordinary ability in the arts or extraordinary achievement in the motion picture or television industry.**

The petition must be filed with:

1. A written consultation from a peer group (which could be a person with expertise in the beneficiary's field), a labor, and/or a management organization, unless the petitioner requests expeditious handling or a waiver of the requirement for certain aliens with extraordinary ability in the arts. If the petition is based on the beneficiary's extraordinary achievement in the motion picture or television industry, separate consultations are required from the relevant labor and management organizations;
2. 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;
3. 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 and activities; and
4. Evidence that the beneficiary has received or been nominated for significant national or international awards or prizes in the field, such as an Academy Award, Emmy, Grammy, or Director's Guild Award, or at least **three** of the following:
  - A. Evidence that the beneficiary has performed and will perform as a lead or starring participant in productions or events that have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications contracts, or endorsements;
  - B. Evidence that the beneficiary has achieved national or international recognition for achievements in the field as evidenced by critical reviews or other published materials by or about the individual in major newspapers, trade journals, magazines, or other publications;
  - C. Evidence that the beneficiary has a record of major commercial or critically acclaimed successes, as evidenced by title, rating, standing in the field, box office receipts, and other occupational achievements reported in publications such as trade journals or major newspapers;
  - D. Evidence that the beneficiary has received significant recognition for achievements from organizations, critics, government agencies, or other recognized experts;
  - E. Evidence that the beneficiary commands or will command a high salary or other remuneration for services in relation to others in the field; or
  - F. Evidence that the beneficiary has performed and will perform in a lead, starring, or critical role for organizations that have a distinguished reputation, as evidenced by articles in newspapers, trade journals, publications, or testimonials.

**NOTE:** If you are applying for O-1B in the Arts and the preceding forms of evidence do not readily apply to the beneficiary's occupation, you may submit other comparable evidence.

### **O-2 Nonimmigrants**

**The O-2 classification is for aliens coming to the United States temporarily and solely to assist in the performance of an O-1 artist or athlete because he or she performs support services that are integral to the actual performance of the O-1. No test of the U.S. labor market is required. The alien must have critical skills and experience with the O-1 that must not be of a general nature or possessed by U.S. workers.**

This petition must be filed in conjunction with an O-1 petition and filed with:

1. A written consultation, unless the petitioner requests expeditious handling for beneficiaries who will be employed in the field of arts, entertainment, or athletics; and
  - A. If it is for support of an athlete or an alien with extraordinary ability in the arts, the consultation must be from an appropriate labor organization; or
  - B. If it is for support of an alien with extraordinary achievement in motion pictures or television, the consultation must be from both an appropriate labor organization and management organization;
2. Evidence of the current essentiality, critical skills, and experience of the O-2 with the O-1 and evidence that the alien has substantial experience performing the critical skills and essential support services for the O-1 alien. In the case of a specific motion picture or television production, the evidence must establish that significant production has taken place outside the United States, and will take place inside the United States, and that the continuing participation of the alien is essential to the successful completion of the production.

### **Written Consultation for O Nonimmigrants**

Certain classifications require a written consultation with an appropriate peer, peer group, labor, and/or management 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 peer, peer group, labor, and/or management organization, as applicable to the classification sought, and submit it with the petition.

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 require substantially longer processing time. See <https://www.uscis.gov/working-united-states/address-index-i-129-o-and-p-consultation-letters> for more information about locating an organization.

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

A petition requesting a change of status or an extension of stay for a beneficiary who is 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 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 O classification sought; and
3. A copy of the beneficiary's last two pay stubs, most recent W-2, Internal Revenue Service (IRS) transcripts of the beneficiary's federal individual income tax return for the three most recent tax years, if applicable; and
4. Evidence the beneficiary continues to meet any licensing requirements to perform the services, if applicable.

**NOTE:** The beneficiary's dependent family members (generally, spouses and children under 21 years of age) should use Form I-539, Application to Change/Extend Nonimmigrant Status, to apply for a change of status of 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 K-1 fiancé(e) or his or her K-2 dependent;
5. A K-3 spouse of a U.S. citizen or his or her K-4 dependent;
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 Certain Beneficiaries in the Commonwealth of the Northern Mariana Islands (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. - 2.** If you are an individual employer 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. - 2.**

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

**Item Number 4.** If you are a company or an organization 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 6. Primary U.S. Office Address of Petitioner.** 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 Numbers 7. - 8. Mailing Address.** Provide the petitioner’s mailing address, if different from the Primary U.S. Office Address.

**Item Numbers 9. – 11. Petitioner’s Contact Information.** Provide the petitioner’s contact information.

**Item Numbers 12. - 14. 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 Numbers 15. - 17. 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 15.** Agents who do not complete Form I-9 for the beneficiary should answer “No” to **Item Number 15.** 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 Department of Homeland Security (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. Total number of beneficiaries included in this petition.** Up to 25 beneficiaries may be included in a single I-129O petition seeking O-2 classification. If you seek O-2 classification for more than 25 beneficiaries, you will need to file more than one petition.

**Item Number 3. 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 he or she 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 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 with the same employer and without change.** Select this box if you are applying to continue the beneficiary's employment in the same nonimmigrant classification the beneficiary currently holds and there is 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.

**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 or the beneficiary's eligibility as specified in the original approved petition.

**Item Number 5. Requested Action.** The following information explains the actions petitioners may request on their petition. Select **only one** action.

**Item A. Notify the office listed in Part 5. 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 or 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 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**

Provide the information requested about the beneficiary for whom you are filing this petition. If you are filing for more than one beneficiary, use **Attachment 1-Additional Beneficiary for Form I-1290** to provide information about each additional beneficiary included in this petition.

**Item Number 13. Form I-94, Arrival-Departure Record.** If U.S. Customs and Border Protection (CBP) or USCIS issued the beneficiary(ies) a Form I-94, Arrival-Departure Record, provide the beneficiary's(ies') Form I-94 number and date that beneficiary's(ies') authorized period of stay expires or expired (as shown on beneficiary's(ies') Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.

**NOTE:** If beneficiary(ies) was/were admitted to the United States by CBP at an airport or seaport after April 30, 2013, CBP may have issued them an electronic Form I-94 instead of a paper Form I-94. The beneficiary(ies) 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(ies) cannot obtain their Form I-94 from the CBP website, it may be obtained 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(ies) 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 15. Beneficiary's Current U.S. Residential Address.** USCIS will use this address, unless otherwise updated through the AR-11, Alien's Change of Address Card, to notify the beneficiary if USCIS denies a request to change status or extend stay submitted on Form I-1290.

### **Part 4. Information About The Beneficiary's Public Benefits**

On July 29, 2020, the U.S. District Court for the Southern District of New York (SDNY) in *State of New York, et al. v. DHS, et al. and Make the Road NY et al. v. Cuccinelli, et al.* enjoined the Department of Homeland Security (DHS) from enforcing, applying, implementing, or treating as effective the Inadmissibility on Public Charge Grounds Final Rule ("Public Charge Final Rule") for any period during which there is a declared national health emergency in response to the COVID-19 outbreak. (84 FR 41292, Aug. 14, 2019, final rule; as amended by 84 FR 52357, Oct. 2, 2019, final rule correction). Subsequently, on August 12, 2020, the U.S. Court of Appeals for the Second Circuit, in *State of New York, et al. v. DHS, et al. and Make the Road NY et al. v. Cuccinelli*, granted an administrative stay of the July 29, 2020 nationwide injunction in all states outside of the Second Circuit, i.e. all states except New York, Connecticut, and Vermont. This stay allows DHS to continue implementing the Public Charge Final Rule everywhere except in New York, Connecticut, and Vermont.

During the injunction, petitioners requesting an extension of stay or change of status using Form I-1290 on behalf of a beneficiary(ies) using Form I-1290, in which the petitioner/employer has a physical address or in which the beneficiary physically resides in New York, Connecticut, or Vermont, should not provide information requested in **Part 4. Information About The Beneficiary's Public Benefits** or the

**Information About the Additional Beneficiary’s Public Benefits** section in **Attachment 1-Additional Beneficiary for Form I-129O**.

In general, a condition of the approval of a request to extend the beneficiary’s stay or change the beneficiary’s status is that the beneficiary must demonstrate that, since obtaining the nonimmigrant status that you seek to extend or from which you seek to change on behalf of the beneficiary, he or she has not received one or more public benefits as set forth in 8 CFR 212.21(b) (and listed below), for more than 12 months in the aggregate within any 36-month period (such that, for instance, receipt of two benefits in one month counts as two months). This condition only applies to beneficiaries who are seeking to change status or extend their stay in the United States. Therefore, you only have to complete the information in **Part 4**, if you are also requesting an extension of the beneficiary’s stay in the United States or a change of the beneficiary’s status with this petition. If you are filing this petition without a request for the beneficiary’s change of status or extension of stay, you may skip **Part 4**.

**Item Number 1.** Public Benefits. Provide the information requested about the beneficiary’s receipt or the beneficiary’s current certification for receipt of public benefits, as defined in 8 CFR 212.21(b) (and which are listed below), unless the nonimmigrant classification you are seeking for the beneficiary is exempt from the public charge inadmissibility ground under INA 212(a)(4). Provide the requested information and documentation. For additional beneficiaries, please respond to the questions in **Attachment 1-Additional Beneficiary for Form I-129O** for each beneficiary.

**Item Number 2.** You must provide information about all public benefits as defined in 8 CFR 212.21(b) (and which are listed below) received by the beneficiary in his or her current nonimmigrant status regardless of how long the beneficiary has received the public benefit, or the beneficiary’s current certification for receipt of public benefits. USCIS will calculate the duration of each public benefit to be considered. If the beneficiary received public benefits intermittently throughout the year, provide each instance separately. For example, if the beneficiary received Supplemental Nutrition Assistance Program (SNAP) from January to February and June to December, list the information separately. If you require additional space, use the space provided in **Part 11. Additional Information**.

Receipt means when a benefit-granting agency provides a public benefit to the beneficiary whether in the form of cash, voucher, services, or insurance coverage. Only the public benefits received by or attributable to the beneficiary will be considered.

Indicate whether the beneficiary has received or been certified to receive the following public benefits, since having obtained the nonimmigrant status that you seek to extend or that you seek to change on behalf of the beneficiary. You need to respond even if the beneficiary falls within one of the categories of individuals for whom receipt of public benefits will not be considered – see table below for evidence that must be provided to document that the beneficiary qualifies for the exclusion:

- Any Federal, state, local, or tribal cash assistance for income maintenance;
- Supplemental Security Income (SSI);
- Temporary Assistance for Needy Families (TANF);
- Federal, state or local cash benefit programs for income maintenance (often called “General Assistance” in the state context, but which may exist under other names);
- Supplemental Nutrition Assistance Program (SNAP, formerly called “Food Stamps”);
- Section 8 Housing Assistance under the Housing Choice Voucher Program;
- Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation);
- Public Housing under the Housing Act of 1937, 42 U.S.C. 1437 et seq.; and
- Federally-Funded Medicaid.

**NOTE:** You need only to report public benefits received by the beneficiary on or after October 15, 2019 but not any received by the beneficiary before October 15, 2019.

If the beneficiary has not received any of the public benefits listed above, please select that option.

If the beneficiary is currently not certified to receive any of the public benefits listed above, please select that option.

If the beneficiary has received or is certified to receive the public benefits but requested disenrollment, please provide, in addition to providing the information about any exclusions below, evidence of the disenrollment or the request to disenroll if the public benefit-granting agency has not processed the request.

Unless the beneficiary qualifies for certain exclusions listed in the table below, the beneficiary is ineligible for extension of stay and change of status if the beneficiary has received, since obtaining the nonimmigrant status that you seek to extend or which you seek to change on behalf of the beneficiary, the public benefits listed above for more than 12 months in the aggregate within any 36-month period (such that, for instance, receipt of two public benefits in one month counts as two months).

The following is a list of exclusions from the public benefit considerations listed above. If the beneficiary belongs to one of the following categories, submit the evidence listed for the applicable categories.

[Table]

**Exclusion**

U.S. Armed Forces Service Members

**Description**

At the time the public benefit was received or at the time you file the Form I-129, or at time of adjudication of the I-129, the beneficiary is:

- An alien enlisted in the U.S. Armed Forces, serving in active duty or in the Ready Reserve component of the U.S. Armed Forces;
- The spouse or child of the service member (listed above); or
- The spouse or child of an individual enlisted in the U.S. Armed Forces, or serving in active duty or in the Ready Reserve component of the U.S. Armed Forces.

**Evidence you must submit for the beneficiary to qualify for exclusion (as applicable)**

- Service Members: Certified evidence of alien’s enlistment/service issued by the authorizing official of the executive department in which service member is serving.
- Spouses and Children of Service Members: Copy of Form DD-1173, United States Uniformed Services Identification and Privilege Card (Dependent).

**Exclusion**

Federally-funded Medicaid

**Description**

- Receipt by an alien child under 21 years of age;
- The recipient of Medicaid payment(s) for a an "emergency medical condition";

- The receipt of Medicaid for services provided under the Individuals with Disabilities Education Act (IDEA); or
- Receipt during pregnancy and during the 60-day period after the last day of the pregnancy.

**Evidence you must submit for the beneficiary to qualify for exclusion (as applicable)**

- A statement with information regarding the "emergency medical condition" determination (if applicable);
- Documentation of payments under the IDEA or school-based service; or
- Pregnancy verification letter from medical professional including estimated duration of pregnancy.

**Exclusion**

Children Who Will Naturalize under INA 322

**Description**

- Child currently residing abroad who entered the United States with a nonimmigrant visa to attend N-600K, Application for Citizenship and Issuance of Certificate Under INA Section 322 interview.

**Evidence you must submit for the beneficiary to qualify for exclusion (as applicable)**

- A copy of the N-600K interview notice.

**Exclusion**

Public Benefits While in an Immigration Category Exempt from Public Charge

**Description**

- Received public benefits while in a category that is exempt from public charge inadmissibility; or
- Received public benefits while in a category for which the beneficiary had received a waiver for public charge inadmissibility.

**Evidence you must submit for the beneficiary to qualify for exclusion (as applicable)**

Information that evidences the beneficiary's status or that the beneficiary received a waiver for the public charge ground of inadmissibility, such as:

- Approval notice (Form I-797, Notice of Action); or
- Form I-94, Arrival/Departure Record.

**Documentation**

If the beneficiary has received or is currently certified to receive, any of the public benefits listed above, submit evidence in the form of a letter, notice, certification, or other agency documents that contain the following:

1. Beneficiary's name;
2. Name and contact information for the public benefit granting agency;
3. Type of public benefit;

4. Date the beneficiary started receiving the public benefit or, if certified, date the beneficiary will start receiving the public benefit; and
5. Date the benefit or coverage ended or expires (mm/dd/yyyy)(if applicable).

If the beneficiary has received or is currently certified to receive public benefits, please indicate whether an exclusion applies to the beneficiary in **Item Number 3.**, and provide the evidence listed in the chart above to demonstrate why the benefit should not be considered.

## **Part 7. Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States**

### **U.S. Export Controls on Release of Controlled Technology or Technical Data to Foreign Persons.**

The Export Administration Regulations (EAR) (15 CFR Parts 770-774) and the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130) require U.S. persons to seek and receive authorization from the U.S. Government before releasing to foreign persons in the United States controlled technology or technical data. Under both the EAR and the ITAR, release of controlled technology or technical data to foreign persons in the United States, even by an employer, is deemed to be an export to that person's country or countries of nationality. One implication of this rule is that a U.S. company must seek and receive a license from the U.S. Government before it releases controlled technology or technical data to its nonimmigrant workers employed as O-1A beneficiaries.

**Requirement to Certify Compliance with U.S. Export Control Regulations.** The U.S. Government requires each company or other entity that files Form I-129O to certify that to the best of its knowledge at the time of filing it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and determined whether it will require a U.S. Government export license to release controlled technology or technical data to the beneficiary.

If an export license is required, the company or other entity must further certify that it will not release or otherwise provide access to controlled technology or technical data to the beneficiary until it has received the required authorization from the U.S. Government.

The petitioner must indicate whether or not a license is required in **Part 7. Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States** of Form I-129O.

**Controlled Technology and Technical Data.** The licensing requirements described above will affect only a small percentage of petitioners because most types of technology are not controlled for export or release to foreign persons. The technology and technical data that are, however, controlled for release to foreign persons are identified on the EAR's Commerce Control List (CCL) and the ITAR's U.S. Munitions List (USML). The CCL is found at 15 CFF Part 774, Supp. 1. See <https://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl>. The USML is found at 22 CFR 121.1. See [https://www.pmddtc.state.gov/ddtc\\_public?id=ddtc\\_public\\_portal\\_itar\\_landing](https://www.pmddtc.state.gov/ddtc_public?id=ddtc_public_portal_itar_landing). The EAR-controlled technology on the CCL generally pertains to that which is for the production, development, or use of what are generally known as "dual-use" items. The ITAR-controlled technical data on the USML generally pertains to that which is directly related to defense articles.

The U.S. Department of Commerce's Bureau of Industry and Security (BIS) administers the CCL and is responsible for issuing licenses for the release to foreign persons of technology controlled under the EAR. The U.S. Department of State's Directorate of Defense Trade Controls (DDTC) administers the USML and is responsible for issuing licenses for the release to foreign persons of technical data controlled under

the ITAR. Information about the EAR and how to apply for a license from BIS are at [www.bis.doc.gov](http://www.bis.doc.gov). Specific information about EAR's requirements pertaining to the release of controlled technology to foreign persons is at <https://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.pmdt.state.gov](http://www.pmdt.state.gov).

### **Part 8. Statement, Contact Information, Certification, and Signature of the Petitioner or Authorized Signatory**

**Item Numbers 1. - 8.** 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 8.** 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 9. Interpreter's Contact Information, Certification, and Signature**

**Item Numbers 1. - 7.** 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 10. Contact Information and Signature of the Person Preparing this Petition, if Other Than the Petitioner or Authorized Signatory**

**Item Numbers 1. - 8.** 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 9.** and **Part 10.** 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 petition to review in the future and for your records.**

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

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

**NOTE:** The filing fee is not refundable regardless of any action USCIS takes on this petition. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts. USCIS will reject or deny your Form I-129O 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-129O filing fee:

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.

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 will reject your application.

### **How To Check If the Fees Are Correct**

Form I-129O’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 fees are 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?**

A petition seeking O-1 or O-2 classification may not be filed more than one year prior to the date of actual need for the beneficiary’s(ies’) services.

### **Where To File?**

Please see our website at [www.uscis.gov/I-129O](http://www.uscis.gov/I-129O) 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 petition 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-129O 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-129O 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-129O 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-129O, we will deny your Form I-129O 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.

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 INA sections 103, 208(c)(1)(C), 211, 212(d)(5)(A), and 215 and 8 CFR sections 211.1(a)(3-4), 212.5, and 223.1-223.3.

**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 O nonimmigrant worker. An employer (or agent, where applicable) will also use this petition to request an extension of stay of an O nonimmigrant worker or to change the status of an alien currently in the United States as a nonimmigrant to O. 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 a rejection or denial of your petition.

**ROUTINE USES :** DHS may, where allowable under relevant confidentiality provisions, 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-001 Alien File, Index, and

National File Tracking System, DHS/USCIS-007 Benefits Information System], and the published privacy impact assessment [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems], DHS/USCIS/PIA-051 Case and Activity Management for International Operations, and DHS/USCIS/PIA-056 USCIS Electronic Immigration System] 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 Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 3 hours for Form I-129O and 30 minutes for Attachment 1-Additional Beneficiary for Form I-129O, including the time for reviewing instructions, gathering the required documentation and information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. 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-XXXX. **Do not mail your completed Form I-129O to this address.**