

**TABLE OF CHANGES – INSTRUCTIONS**  
**Form I-129, Petition for a Nonimmigrant Worker**  
**OMB Number: 1615-0111**  
**09/02/2020**

**Reason for Revision:** Insertion of SDNY Injunction language.

Legend for Proposed Text:

- Black font = Current text
- Red font = Changes

Expires 10/31/2021

Edition Date 01/27/2020

Current Page Number and Section	Current Text	Proposed Text
<p><b>Page 7, Part 6. Information About The Beneficiary’s Public Benefits</b></p>	<p>[Page 7]</p> <p><b>Part 6. Information About The Beneficiary’s Public Benefits</b></p>	<p>[Page 7]</p> <p><b>Part 6. Information About The Beneficiary’s Public Benefits</b></p> <p><b>NOTE:</b> On July 29, 2020, the U.S. District Court for the Southern District of New York (SDNY) in <i>State of New York, et al. v. DHS, et al. and Make the Road NY et al. v. Cuccinelli, et al.</i> 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 <i>State of New York, et al. v. DHS, et al. and Make the Road NY et al. v. Cuccinelli</i>, 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.</p>

	<p>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 <b>Part 6</b>. 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 <b>Part 6</b>.</p> <p>...</p>	<p>During the injunction, petitioners requesting an extension of stay or change of status on behalf of a beneficiary using Form I-129, 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 <b>Part 6. Information Beneficiary’s Public Benefits or the Information about Additional Beneficiary’s Public Benefits</b> in Attachment-1.</p> <p><b>[no changes]</b></p>
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