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| | <p>Nonimmigrants 27</p> <p>What Is the Filing Fee? 28</p> <p>When To File? 29</p> <p>Where To File? 29</p> <p>Additional Information</p> <p>Processing Information 29</p> <p>USCIS Forms and Information 30</p> <p>USCIS Privacy Act Statement 30</p> <p>USCIS Compliance Review and Monitoring 31</p> <p>Paperwork Reduction Act 31</p> | |
| <p>Page 3, Who May File Form I-129?</p> | <p>[Page 3]</p> <p>Who May File Form I-129?</p> <p>General. A U.S. employer may file this form and applicable supplements to classify an alien in any nonimmigrant classification listed in Part 1. or Part 2. of these instructions. A foreign employer, U.S. agent, or association of U.S. agricultural employers may file for certain classifications as indicated in the specific instructions.</p> <p>Agents. 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 agent to act on its behalf. A petition filed by an agent must include a complete itinerary of services or engagements, including dates, names, and addresses of the actual employers, and the locations where the services will be performed. A petition filed by a U.S. agent must guarantee the wages and other terms and conditions of employment by contractual agreement with the beneficiary or beneficiaries of the petition. The agent/employer must also provide an itinerary of definite employment and information on any other services planned for the period of time requested.</p> <p>Including more than one alien in a petition. You may include on the same petition multiple aliens who seek admission in the H-2A, H-2B, H-3, P-1, P-2, P-3, P-1S, P-2S, P-3S, O-2, or Q-1 classifications</p> | <p>[Page 3]</p> <p>Who May File Form I-129?</p> <p>General. A U.S. employer may file this form and applicable supplements to classify an alien in any nonimmigrant classification listed in Part 1. or Part 2. of these instructions. A foreign employer, U.S. agent, or association of U.S. agricultural employers may file for certain classifications as indicated in the specific instructions.</p> <p>Agents. 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 agent to act on its behalf. A petition filed by an agent must include a complete itinerary of services or engagements, including dates, names, and addresses of the actual employers, and the locations where the services will be performed. A petition filed by a U.S. agent must guarantee the wages and other terms and conditions of employment by contractual agreement with the beneficiary or beneficiaries of the petition. The agent must also provide an itinerary of definite employment and information on any other services planned for the period of time requested.</p> <p>Including more than one alien in a petition. You may include on the same petition multiple aliens who seek admission in the H-2A, H-2B, H-3, P-1, P-2, P-3, P-1S, P-2S, P-3S, O-2, or Q-1 classifications</p> |

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| | <p>provided all will:</p> <ol style="list-style-type: none"> 1. Be employed for the same period of time; and 2. Perform the same services, receive the same training, or participate in the same international cultural exchange program. <p>NOTE: Employers must file a separate Form I-129 to petition for O and P essential support personnel apart from any petition they file for O or P principal aliens or P group or team. All essential-support beneficiaries listed on this petition must establish prior essentiality to the principal O or P aliens.</p> <p>Exception: It is recommended that H-2A and H-2B petitions for workers from countries not listed on the respective “Eligible Countries List” be filed separately. See www.uscis.gov for the list of H-2A and H-2B participating countries.</p> <p>Multiple locations. A petition for aliens to perform services or labor 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.</p> <p>...</p> | <p>provided all will:</p> <ol style="list-style-type: none"> 1. Be employed for the same period of time; and 2. Perform the same services, receive the same training, or participate in the same international cultural exchange program. <p>NOTE: Employers must file a separate Form I-129 to petition for O and P essential support personnel apart from any petition they file for O or P principal aliens or P group or team. All essential-support beneficiaries listed on this petition must establish prior essentiality to the principal O or P aliens.</p> <p>Exception: It is recommended that H-2A and H-2B petitions for workers from countries not listed on the respective “Eligible Countries List” be filed separately. See www.uscis.gov for the list of H-2A and H-2B participating countries.</p> <p>Multiple locations. A petition for aliens to perform services or labor 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. This general itinerary requirement does not apply to H-1B petitions.</p> <p>[no changes]</p> |
| <p>Pages 3-6, General Filing Instructions</p> | <p>[Page 3]</p> <p>General Filing Instructions</p> <p>...</p> <p>How to Fill Out Form I-129</p> <ol style="list-style-type: none"> 1. Type or print legibly in black ink. 2. Complete the basic form and any relating supplements. 3. If you need extra space to complete any item, go to Part 10., Additional Information About Your Petition for Nonimmigrant Worker, indicate the Page Number, Part Number, and Item | <p>[Page 3]</p> <p>General Filing Instructions</p> <p>...</p> <p>How to Fill Out Form I-129</p> <ol style="list-style-type: none"> 1. Type or print legibly in black ink. 2. Complete the basic form and any relating supplements. 3. If you need extra space to complete any item, go to Part 10., Additional Information About Your Petition for Nonimmigrant Worker, indicate the Page Number, Part Number, and Item |

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| | <p>Number to which your answer refers, and date and sign each sheet.</p> <p>4. Answer all questions fully and accurately. If an item is not applicable or the answer is “none,” type or print “N/A.”</p> <p>5. 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.</p> <p>Petitioner Information</p> <p>Complete the “Legal Name of Petitioner” field (if the petitioner is an individual person or a company or organization). For mailing address, list the address of the petitioner’s primary office within the United States. This address will determine the filing jurisdiction if the beneficiary will be providing services or completing training in multiple locations.</p> <p>...</p> | <p>Number to which your answer refers, and date and sign each sheet.</p> <p>4. Answer all questions fully and accurately. If an item is not applicable (for example, if you have never been married and the question asks, “Provide the name of your current spouse”), type or print “N/A.” 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.</p> <p>5. 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.</p> <p>Petitioner Information</p> <p>If you are an individual or sole proprietor filing this petition, complete Item Number 1. If you are a company or an organization filing this petition, complete Item Number 2.</p> <p>Item Number 2. Petitioning Company or Organization Name. If you are a company or an organization filing this application, provide the name of your company or organization.</p> <p>For mailing address, list the address of the petitioner’s primary office within the United States. This address will determine the filing jurisdiction if the beneficiary will be providing services or completing training in multiple locations.</p> <p>[no changes]</p> |
| <p>Pages 10-25, Part 1. Petition Always Required</p> | <p>[Page 10]</p> <p>Part 1. Petition Always Required</p> <p>...</p> <p>[Page 11]</p> | <p>[Page 10]</p> <p>Part 1. Petition Always Required</p> <p>...</p> |

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| | <p><u>H-1B Nonimmigrants (Three Types)</u></p> <p>[new]</p> <p>The H-1B classification is for aliens coming to the United States temporarily to perform services in a specialty occupation.</p> <p>Write H-1B in the classification block.</p> <p>A specialty occupation is one that requires the theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation and requires the attainment of a bachelor’s or higher degree in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States.</p> | <p><u>H-1B Nonimmigrants (Three Types)</u></p> <p>NOTE: For all H-1B petitions, a U.S. employer is a person, firm, corporation, company, or other association or organization in the United States that:</p> <ol style="list-style-type: none"> 1. Engages the beneficiary to work within the United States, and has a bona fide, non-speculative job offer for the beneficiary; 2. Has an employer-employee relationship with respect to employees under this part; and 3. Has an Internal Revenue Service tax identification number. <p>The H-1B classification is for aliens coming to the United States temporarily to perform services in a specialty occupation.</p> <p>Write H-1B in the classification block.</p> <p>A specialty occupation is one that requires the theoretical and practical application of a body of highly specialized knowledge in fields of human endeavor (such as architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, or the arts) and requires the attainment of a U.S. bachelor’s or higher degree in a directly related specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States. The required specialized studies must be directly related to the position. A position is not a specialty occupation if attainment of a general degree, such as business administration or liberal arts, without further specialization, is sufficient to qualify for the position. While a position may allow a range of degrees or apply multiple bodies of highly specialized knowledge, each of those qualifying degree fields must be directly related to the proffered position. A proffered position does not meet the definition of specialty occupation unless it also satisfies at least one of the following criteria:</p> |
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| | <p>The petition must be filed by a U.S. employer or a U.S. agent and must be filed with:</p> <ol style="list-style-type: none"> 1. Evidence that a labor condition application (LCA) has been certified by the U.S. Department of Labor; 2. Evidence showing that the proposed employment qualifies as a specialty occupation; <p>[new]</p> <ol style="list-style-type: none"> 3. Evidence showing that the beneficiary has the required degree by submitting either: <ol style="list-style-type: none"> A. A copy of the beneficiary's U.S. | <ol style="list-style-type: none"> 1. A U.S. baccalaureate or higher degree in a directly related specific specialty, or its equivalent, is the minimum requirement for entry into the particular occupation in which the beneficiary will be employed; 2. A U.S. baccalaureate or higher degree in a directly related specific specialty, or its equivalent, is the minimum requirement for entry into parallel positions at similar organizations in the employer's United States industry; 3. The employer has an established practice of requiring a U.S. baccalaureate or higher degree in a directly related specific specialty, or its equivalent, for the position. The petitioner must also establish that the proffered position requires such a directly related specialty degree, or its equivalent, to perform its duties; or 4. The specific duties of the proffered position are so specialized, complex or unique that they can only be performed by an individual with a U.S. baccalaureate or higher degree in a directly related specific specialty, or its equivalent. <p>A petition must include evidence that the position meets the definition of specialty occupation and at least one of these criteria.</p> <p>The petition must be filed by a U.S. employer or a U.S. agent and must be filed with:</p> <ol style="list-style-type: none"> 1. Evidence that a labor condition application (LCA) has been certified by the U.S. Department of Labor; 2. Evidence showing that the proposed employment qualifies as a specialty occupation; 3. Evidence that the employer has actual work in a specialty occupation, available for the beneficiary as of the start date of the validity period, as requested on the petition; 4. Evidence showing that the beneficiary has the required degree by submitting either: <ol style="list-style-type: none"> A. A copy of the beneficiary's U.S. |
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| | <p>bachelor's or higher degree as required by the specialty occupation;</p> <p>B. A copy of a foreign degree and evidence that it is equivalent to the U.S. degree; or</p> <p>C. Evidence of education, specialized training, and/or progressively responsible experience that is equivalent to the required U.S. degree.</p> <p>4. A copy of any required license or other official permission to practice the occupation in the state of intended employment; and</p> <p>5. A copy of any written contract between the petitioner and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed.</p> <p>6. If you are filing an H-1B cap petition for a fiscal year that H-1B registration is required, you must provide a valid Beneficiary Confirmation Number for the beneficiary included in this petition, along with a copy of the H-1B Registration Selection Notice.</p> <p>NOTE: This evidence requirement is not applicable to H-1B2 petitions.</p> <p>7. Off-site Assignment of H-1B Beneficiaries: Petitioners seeking to place the H-1B beneficiary off-site at a location other than their own location must answer general questions regarding this assignment in Part 5., Basic Information About the Proposed Employment and Employer. Petitioners should advise the H-1B beneficiary of the off-site work placement.</p> | <p>bachelor's or higher degree as required by the specialty occupation;</p> <p>B. A copy of a foreign degree and evidence that it is equivalent to the U.S. degree; or</p> <p>C. Evidence of education, specialized training, and/or progressively responsible experience that is equivalent to the required U.S. degree.</p> <p>5. A copy of any required license or other official permission to practice the occupation in the state of intended employment; and</p> <p>6. A copy of any written contract between the petitioner and the beneficiary or, if there is no written agreement, a summary of the terms of the oral agreement under which the beneficiary will be employed.</p> <p>7. If you are filing an H-1B cap petition for a fiscal year that H-1B registration is required, you must provide a valid Beneficiary Confirmation Number for the beneficiary included in this petition, along with a copy of the H-1B Registration Selection Notice.</p> <p>NOTE: This evidence requirement is not applicable to H-1B2 petitions.</p> <p>8. H-1B Beneficiaries Working at Third-Party Worksites: Petitioners seeking to place the H-1B beneficiary at one or more third-party worksites must answer general questions regarding this assignment in Part 5., Basic Information About the Proposed Employment and Employer. Petitioners should advise the H-1B beneficiary of their intended placement at a third-party worksite. "Third-party worksite" means a worksite, other than the beneficiary's residence in the United States, that is not owned or leased, and not operated, by the petitioner. A "worksite" means the physical location where the work actually is performed by the H-1B nonimmigrant. A "worksite" will not include any location that would not be considered a "worksite" for LCA purposes.</p> |
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| | <p>Additionally, petitioner should submit an itinerary that shows the dates and places of assignment if the beneficiary will be providing services at more than one location.</p> <p>...</p> <p>General H-1B Requirements</p> | <p>NOTE: Where the beneficiary will be placed at a third-party worksite, the maximum validity period is one year.</p> <p>Additionally, petitioners seeking to place the H-1B beneficiary at a third-party worksite must submit evidence such as contracts, work orders, or other similar corroborating evidence showing that the petitioner will have an employer-employee relationship with the beneficiary, and that the beneficiary will perform services in a specialty occupation at the third-party worksite(s).</p> <p>[no changes]</p> <p>General H-1B Requirements</p> <p>H Classification Supplement</p> <p>Section 1, Item Number 7. Select all of the checkboxes that apply, according to the explanations for each option (a. through d.).</p> <p>a. Recapture time. This is time the beneficiary spent outside the United States or in a nonimmigrant status other than H-1B, H-2, H-3, or L-1, since first obtaining H-1B or L-1 status and for purposes of calculating the beneficiary’s 6-year period of authorized admission.</p> <p>b. 3-year Per-Country Limitations Exemption. This is an exemption under 8 CFR 214.2(h)(13)(iii)(E) to the 6-year maximum period of H-1B admission. A beneficiary may receive this exemption if they are:</p> <ol style="list-style-type: none"> 1. The beneficiary of an approved immigrant petition granted under INA section 203(b)(1), (2), or (3); and 2. Eligible to be granted immigrant status but for application of the per country limitations. <p>c. 1-year Lengthy Adjudication Delay Exemption. This is an exemption under 8 CFR 214.2(h)(13)(iii)(D) to the 6-year maximum period of H-1B admission. A beneficiary may receive an extension in one-year increments beyond the maximum</p> |
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| | <p>Three relevant laws impacting the filing of H-1B and/or L visa petitions; include:</p> | <p>period of H-1B admission, if at least 365 days have passed since:</p> <ol style="list-style-type: none"> 1. The filing of a permanent labor certification with the Department of Labor for the purpose of filing an immigrant visa petition under INA section 203(b); or 2. The filing of an immigrant visa petition (Form I-140) with USCIS under INA section 203(b). <p>The extension can be approved for up to one year until the approved permanent labor certification expires or a final decision has been made to:</p> <ol style="list-style-type: none"> A. Deny the application for permanent labor certification, or, if approved, revoke or invalidate; B. Deny the immigrant visa petition, or, if approved, revoke; C. Deny or approve the beneficiary’s application for an immigrant visa or application to adjust status to lawful permanent residence; or D. Administratively or otherwise close the application for permanent labor certification, immigrant visa petition, or application to adjust status. <p>A beneficiary is not eligible for further extensions if the beneficiary fails to file an adjustment of status application or apply for an immigrant visa within one year of an immigrant visa being authorized for issuance based on their preference category and country of chargeability.</p> <p>d. A time limit exemption because the beneficiary did not reside continually in the United States and the beneficiary’s employment was intermittent, seasonal, or for an aggregate of six months or less per year.</p> <p>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement</p> <p>Three relevant laws impacting the filing of H-1B and/or L visa petitions; include:</p> |
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| | <p>1. The American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277 (signed into law on October 21, 1998);</p> <p>2. The H-1B Visa Reform Act of 2004 (signed into law on December 8, 2004); and</p> <p>3. Public Law 114-113 (signed into law on December 18, 2005).</p> <p>Because of ACWIA, H-1B and H-1B1 free trade nonimmigrant petitioners must complete the H-1B Data Collection and Filing Fee Exemption Supplement, which is part of this petition. We use this supplement (formerly issued separately as Form I-129W) to collect additional information about the H-1B nonimmigrant workers and the H-1B petitioners, and to determine the applicability of fees mandated by ACWIA (INA section 214(c) (9)), the H-1B1 Visa Reform Act of 2004 (INA section 214(c)(12)), and Public Law 114-113.</p> <p>A petitioner seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another employer, must submit an additional \$500 Fraud Prevention and Detection fee. This fee does not apply to H-1B1 petitions. The Form I-129 will serve as the vehicle for collection of the \$500 fee.</p> <p>Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional \$4,000 (H-1B) or \$4,500 (L-1) fee mandated by Public Law 114-113, if:</p> <p>1. The petitioner employs 50 or more individuals in the United States;</p> <p>2. More than 50 percent of those employees are in H-1B or L-1A or L-1B nonimmigrant status; and</p> <p>3. The petition is filed on or after December 18, 2015.</p> <p>The Fraud Prevention and Detection Fee and Public Law 114-113 Fee, when</p> | <p>1. The American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277 (signed into law on October 21, 1998);</p> <p>2. The H-1B Visa Reform Act of 2004 (signed into law on December 8, 2004); and</p> <p>3. Public Law 114-113 (signed into law on December 18, 2005).</p> <p>Because of ACWIA, H-1B and H-1B1 free trade nonimmigrant petitioners must complete the H-1B Data Collection and Filing Fee Exemption Supplement, which is part of this petition. We use this supplement (formerly issued separately as Form I-129W) to collect additional information about the H-1B nonimmigrant workers and the H-1B petitioners, and to determine the applicability of fees mandated by ACWIA (INA section 214(c) (9)), the H-1B1 Visa Reform Act of 2004 (INA section 214(c)(12)), and Public Law 114-113.</p> <p>A petitioner seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another employer, must submit an additional \$500 Fraud Prevention and Detection fee. This fee does not apply to H-1B1 petitions. The Form I-129 will serve as the vehicle for collection of the \$500 fee.</p> <p>Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional \$4,000 (H-1B) or \$4,500 (L-1) fee mandated by Public Law 114-113, if:</p> <p>1. The petitioner employs 50 or more individuals in the United States;</p> <p>2. More than 50 percent of those employees are in H-1B or L-1A or L-1B nonimmigrant status; and</p> <p>3. The petition is filed on or after December 18, 2015.</p> <p>The Fraud Prevention and Detection Fee and Public Law 114-113 Fee, when</p> |
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| | <p>applicable, may not be waived. Each fee should be submitted by separate check or money order.</p> <p>To determine if they are subject to any of these fees, petitioners must complete the H-1B and H1B1 Data Collection and Filing Fee Exemption Supplement discussed below.</p> <p>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement</p> <p>A U.S. employer or U.S. agent who seek to place a beneficiary in H-1B classification (including H-1B1 classification for free trade aliens from Chile and Singapore) must file this supplement.</p> <p>...</p> <p>8. DOT Code. The DOT Code is a three-digit occupational group for professional, technical, and managerial occupations and fashion models that can be obtained from the Dictionary of Occupational Titles. A reference chart can be found on our website at www.uscis.gov.</p> | <p>applicable, may not be waived. Each fee should be submitted by separate check or money order.</p> <p>To determine if they are subject to any of these fees, petitioners must complete the H-1B and H1B1 Data Collection and Filing Fee Exemption Supplement. A U.S. employer or U.S. agent who seek to place a beneficiary in H-1B classification (including H-1B1 classification for free trade aliens from Chile and Singapore) must file this supplement.</p> <p>...</p> <p>8. SOC Code. This is the Standard Occupational Classification (SOC) code. You can obtain the SOC codes from DOL, Bureau of Labor Statistics at www.bls.gov/soc. Type or print the code from left to right, one digit in each of the six boxes.</p> |
| | <p>Paperwork Reduction Act</p> <p>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 for Form I-129 at 2.84 hours; E-1/E-2 Classification at .67 hours; Trade Agreement Supplement at .67 hours; H Classification Supplement at 2 hours; H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement at 1 hour; L Classification Supplement to Form I-129 at 1.34 hours; P Classifications Supplement to Form I-129 at 1 hour; Q-1 Classification Supplement at .34 hours; R-1 Classification Supplement at 2.34 hours; and Form I-129 ATT at .33 hours, 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,</p> | <p>Paperwork Reduction Act</p> <p>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 for Form I-129 at 2.84 hours; E-1/E-2 Classification at .67 hours; Trade Agreement Supplement at .67 hours; H Classification Supplement at 2.5 hours; H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement at 1 hour; L Classification Supplement to Form I-129 at 1.34 hours; P Classifications Supplement to Form I-129 at 1 hour; Q-1 Classification Supplement at .34 hours; R-1 Classification Supplement at 2.34 hours; and Form I-129 ATT at .33 hours, 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,</p> |

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| | 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-129 to this address. | 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-129 to this address. |
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