

TABLE OF CHANGES – INSTRUCTIONS
Form I-129, Petition for Nonimmigrant Worker
OMB Number: 1615-0009
10/22/2020

Reason for Revision: H1-B Selection Process

Project Phase: Interim Final Rule

Legend for Proposed Text:

- Black font = Current text
- Red font = Changes

Expires 10/31/2021

Edition Date 09/30/2020

Current Page Number and Section	Current Text	Proposed Text
<p>Page 7-10,</p> <p>Part 6. Information About the Beneficiary’s Public Benefits</p>	<p>[Page 7]</p> <p>Part 6. Information About The Beneficiary’s Public Benefits</p> <p>...</p> <p>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 10.</p> <p>Additional Information.</p> <p>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</p>	<p>[Page 7]</p> <p>Part 6. Information About The Beneficiary’s Public Benefits</p> <p>...</p> <p>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 10.</p> <p>Additional Information.</p> <p>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</p>

	<p>considered.</p> <p>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):</p> <p>...</p>	<p>considered.</p> <p>Indicate whether the beneficiary has received or has 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):</p> <p>...</p>
<p>Page 10-25,</p> <p>Part 1. Petition Always Required</p>	<p>[Page 10]</p> <p>Part 1. Petition Always Required</p> <p>...</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>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>[new]</p>	<p>[Page 10]</p> <p>Part 1. Petition Always Required</p> <p>...</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>[deleted]</p> <p>An H-1B cap-subject petition (including a petition eligible for the advanced degree exemption) only will be accepted for filing if the underlying registration (or the petition itself, if the registration requirement is suspended) is selected toward the annual numerical allocations. When applicable, registrations (or petitions) will be ranked and selected based on the Occupational Employment Survey (OES) wage level that the beneficiary’s proffered wage equals or exceeds for the relevant Standard Occupational Classification (SOC) code in their area(s) of intended employment. Therefore, in the H-1B and H-1B1 Data Collection and</p>

	<p>The H-1B classification is also for aliens coming to the United States to perform services of an exceptional nature relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD).</p>	<p>Filing Fee Exemption Supplement , Item Number 11., you must specify the highest OES wage level that the beneficiary’s proffered wage equals or exceeds for the relevant SOC code in the area(s) of intended employment. The OES wage level selected in Part. 5, Item Number 11., must reflect the corresponding OES wage level as of the date that the registration underlying the petition was submitted. However, if the registration process is suspended, the OES wage level selected in Part. 5, Item Number 11., must reflect the corresponding OES wage level as of the date that the petition is filed.</p> <p>The proffered wage is the wage that you intend to pay the beneficiary as indicated on the petition. The SOC code and area(s) of intended employment should be indicated on the LCA filed with the petition.</p> <p>NOTE: If the beneficiary will work in multiple locations, or in multiple positions if you are filing the petition as an agent, you must select the lowest corresponding OES wage level that the proffered wage will equal or exceed. If the proffered wage is expressed as a range, you must select the OES wage level based on the lowest wage in the range. If you are relying on a prevailing wage that is not based on the OES survey, and the proffered wage is less than the corresponding level I OES wage, you must select the “Wage Level I and below” box. You may not lower the proffered wage listed on the petition to an amount that would be equivalent to a lower wage level than the wage level reflected on the selected H-1B registration. If the relevant SOC code does not have current OES prevailing wage information available, you should follow U.S. Department of Labor guidance on prevailing wage determinations to determine which OES wage level to select.</p> <p>The H-1B classification is also for aliens coming to the United States to perform services of an exceptional nature relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD).</p>
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