

**TABLE OF CHANGES – INSTRUCTIONS**  
**Form I-129, Petition for Nonimmigrant Worker**  
**OMB Number: 1615-0009**  
**04/01/2021**

**Reason for Revision: H1-B Selection Process**

**Project Phase: Final Rule**

Legend for Proposed Text:

- Black font = Current text
- **Red font** = Changes

Expires 09/30/2021

Edition Date 03/10/2021

Current Page Number and Section	Current Text	Proposed Text
<p><b>Page 10-25,</b></p> <p><b>Part 1. Petition Always Required</b></p>	<p>[Page 10]</p> <p><b>Part 1. Petition Always Required</b></p> <p>...</p> <p><b>7. Off-site Assignment of H-1B Beneficiaries:</b> 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 <b>Part 5., Basic Information About the Proposed Employment and Employer.</b> 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><b>Part 1. Petition Always Required</b></p> <p>...</p> <p><b>7. Off-site Assignment of H-1B Beneficiaries:</b> 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 <b>Part 5., Basic Information About the Proposed Employment and Employer.</b> 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</p>

	<p><b>The H-1B classification is also for aliens coming to the United States to perform</b></p>	<p>relevant Standard Occupational Classification (SOC) code in their area(s) of intended employment. Therefore, in the <b>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement, Item Number 11.</b>, 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 <b>Part. 5, Item Number 11.</b>, 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 <b>Part. 5, Item Number 11.</b>, 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><b>NOTE:</b> 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><b>The H-1B classification is also for aliens coming to the United States to perform services of an exceptional nature relating</b></p>
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	<p>services of an exceptional nature relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD).</p> <p>...</p> <p><b>[Page 13]</b></p> <p><b>8. DOT Code.</b> 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 <a href="http://www.uscis.gov">www.uscis.gov</a>.</p> <p><b>9. NAICS Code.</b> This is the North American Industry Classification System (NAICS) Code. This code can be obtained from the U.S. Department of Commerce, Census Bureau (<a href="http://www.census.gov/epcd/www/naics.htm">www.census.gov/epcd/www/naics.htm</a>). Enter the code from left to right, one digit in each of the six boxes. If you use a code with fewer than six digits, enter the code left to right and then add zeros in the remaining unoccupied boxes.</p> <p>...</p>	<p>to a cooperative research and development project administered by the U.S. Department of Defense (DOD).</p> <p>...</p> <p><b>[Page 13]</b></p> <p><b>8. SOC Code.</b> This is the Standard Occupational Classification (SOC) code. You can obtain the SOC codes from DOL, Bureau of Labor Statistics at <a href="http://www.bls.gov/soc">www.bls.gov/soc</a>. Type or print the code from left to right, one digit in each of the six boxes.</p> <p><b>9. NAICS Code.</b> This is the North American Industry Classification System (NAICS) Code. This code can be obtained from the U.S. Department of Commerce, Census Bureau (<a href="http://www.census.gov/epcd/www/naics.htm">www.census.gov/epcd/www/naics.htm</a>). Enter the code from left to right, one digit in each of the six boxes. If you use a code with fewer than six digits, enter the code left to right and then add zeros in the remaining unoccupied boxes.</p> <p>...</p>
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