

TABLE OF CHANGES – INSTRUCTIONS
Form I-129, Petition for a Nonimmigrant Worker
OMB Number: 1615-0009
09/19/2023

Reason for Revision: H-1B NPRM

Project Phase: OMB Review

Legend for Proposed Text:

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

Expires 11/30/2025

Edition Date 05/31/2023

Current Page Number and Section	Current Text	Proposed Text
<p>Page 3,</p> <p>Who May File Form I-129?</p>	<p>[Page 3]</p> <p>...</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>...</p> <p>Multiple locations. A petition for beneficiaries to perform services or labor or receive training in more than one location</p>	<p>[Page 3]</p> <p>...</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. The itinerary requirement does not apply to any H classifications.</p> <p>...</p> <p>Multiple locations. A petition for beneficiaries to perform services or labor or receive training in more than one location</p>

	<p>must include an itinerary with the dates and locations where the services or training will take place.</p> <p>...</p>	<p>must include an itinerary with the dates and locations where the services or training will take place. The itinerary requirement does not apply to any H classifications.</p> <p>...</p>
<p>Page 3-6,</p> <p>General Filing Instructions</p>	<p>[Page 4]</p> <p>...</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>Basis for Classification The following explains the choices listed in Part 2., Item Number 2., of the Form I-129.</p> <p>A. New employment. Check this box if the beneficiary:</p> <p>...</p> <p>[Page 5]</p> <p>D. Amend the stay of each beneficiary who now holds this status. Check this box if the beneficiary is 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, training or the beneficiary’s eligibility as specified in the original approved petition.</p> <p>...</p>	<p>[Page 4]</p> <p>...</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.</p> <p>Basis for Classification The following explains the choices listed in Part 2., Item Number 2., of the Form I-129.</p> <p>[no change]</p> <p>...</p> <p>[Page 5]</p> <p>D. Amend the stay of each beneficiary who now holds this status and is not seeking additional time from their current authorized period of stay. Check this box if the beneficiary is currently in the United States in the same nonimmigrant classification and you are not seeking additional time from their current authorized period of stay.</p> <p>...</p>
<p>Page 7-22,</p> <p>Part 1. Petition Always Required</p>	<p>[Page 7]</p> <p>...</p> <p>1. Evidence that a labor condition application (LCA) has been certified by the U.S. Department of Labor;</p>	<p>[Page 7]</p> <p>...</p> <p>1. A copy of the labor condition application (LCA) that has been certified by the U.S. Department of Labor;</p>

	<p>2. Evidence showing that the proposed employment qualifies as a specialty occupation;</p> <p>[new]</p> <p>3. Evidence showing that the beneficiary has the required degree by submitting either:</p> <p>...</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>[new]</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>2. Evidence showing that the proposed employment qualifies as a specialty occupation;</p> <p>3. Evidence that you have a non-speculative position in a specialty occupation available for the beneficiary as of the start date of the validity period requested on the petition.</p> <p>4. Evidence showing that the beneficiary has the required degree by submitting either:</p> <p>...</p> <p>[Page 8]</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 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>8. If you are filing an H-1B cap petition for a fiscal year that H-1B registration is required, you must submit evidence of the beneficiary's passport used at the time of registration to identify the beneficiary.</p> <p>NOTE: This evidence requirement is not applicable to H-1B2 petitions.</p> <p>9. 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>The H-1B classification is also for beneficiaries 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>...</p> <p>[Page 9]</p> <p>General H-1B Requirements</p> <p>[new]</p> <p>Three relevant laws impacting the filing of H-1B and/or L visa petitions; include:</p> <p>...</p> <p>3. Public Law 114-113 (signed into law on December 18, 2015).</p> <p>...</p> <p>To determine if they are subject to any of</p>	<p>[deleted]</p> <p>The H-1B classification is also for beneficiaries 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>...</p> <p>[Page 9]</p> <p>General H-1B Requirements</p> <p>Completing the H Classification Supplement Form</p> <p>Item Number 8.a. For H-1B petitions, you must indicate whether the beneficiary has a controlling interest in the petitioning organization. For purposes of this question, a controlling interest means that the beneficiary owns more than 50% of the petitioning organization or when the beneficiary has majority voting rights in the petitioning organization.</p> <p>If the H-1B beneficiary possesses a controlling ownership interest in the petitioning organization or entity, the petition, if approved, will be limited to a validity period of up to 18 months. The first extension (including an amended petition with a request for an extension of stay) of such a petition will also be limited to a validity period of up to 18 months.</p> <p>Three relevant laws impacting the filing of H-1B and/or L visa petitions; include:</p> <p>...</p> <p>3. Public Law 114-113 (signed into law on December 18, 2015).</p> <p>...</p> <p>To determine if they are subject to any of</p>
--	---	---

	<p>these fees, petitioners must complete the H-1B and H1B1 Data Collection and Filing Fee Exemption Supplement discussed below.</p> <p>...</p> <p>[Page 10]</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>...</p> <p>[Page 11]</p> <p>A. Connected to or associated with the institution of higher education through shared ownership or control by the same board or federation; or</p> <p>B. Operated by the institution of higher education; or</p> <p>C. Attached to the institution of higher education as a member, branch, cooperative, or subsidiary; or</p> <p>D. A nonprofit entity that has entered into a formal written affiliation agreement with an institution of higher education that establishes an active working relationship between the nonprofit entity and the institution of higher education for the purposes of research or education, and a fundamental activity of the nonprofit entity is to directly contribute to the research or education mission of the institution of higher education.</p> <p>[New]</p>	<p>these fees, petitioners must complete the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement discussed below.</p> <p>...</p> <p>[Page 10]</p> <p>8. SOC Code. This is the Standard Occupational Classification (SOC) Code. You can obtain the SOC codes from the Department of Labor (DOL), Bureau of Labor Statistics at www.bls.gov/soc.</p> <p>...</p> <p>[Page 11]</p> <p>A. Connected to or associated with the institution of higher education through shared ownership or control by the same board or federation; or</p> <p>[no change]</p> <p>D. A nonprofit entity that has entered into a formal written affiliation agreement with an institution of higher education that establishes an active working relationship between the nonprofit entity and the institution of higher education for the purposes of research or education, and a fundamental activity of the nonprofit entity is to directly contribute to the research or education mission of the institution of higher education.</p> <p>NOTE: A nonprofit entity may engage in more than one fundamental activity.</p> <p>“Nonprofit organization or entity” means the organization or entity is defined as a tax-exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), (c)(4), or (c)(6) (codified at 26 U.S.C. 501(c)(3), (c)(4), or (c)(6)). See 8 CFR</p>
--	---	---

	<p>3. The employer is a nonprofit research organization or governmental research organization that is primarily engaged in basic research and/or applied research;</p> <p>NOTE: The term “governmental research organization” is defined at 8 CFR 214.2(h)(19)(iii)(C) as “a federal, state, or local entity whose primary mission is the performance or promotion of basic research and/or applied research.”</p> <p>NOTE: “Nonprofit organization or entity” means the organization or entity is:</p> <p>A. Defined as a tax-exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), (c)(4), or (c)(6) (codified at 26 U.S.C. 501(c)(3), (c)(4), or (c)(6)); and</p> <p>B. Has been approved as a tax-exempt organization for research or educational purposes by the Internal Revenue Service.</p> <p>4. This petition is the second or subsequent request for an extension of stay filed by the employer regardless of when the first extension of stay was filed or whether the \$1,500 or \$750 filing fee was paid on the initial petition or the first extension of stay;</p> <p>...</p> <p>[Page 12]</p> <p>2. The employer is a nonprofit entity related to or affiliated with an institution of higher education as defined in 8 CFR 214.2(h)(8)(ii)(F)(2);</p>	<p>214.2(h)(19)(iv).</p> <p>3. The employer is a nonprofit research organization or government research organization. When a fundamental activity of a nonprofit organization is engaging in basic research and/or applied research, that organization is a nonprofit research organization. When a fundamental activity of a governmental organization is the performance or promotion of basic research and/or applied research, that organization is a government research organization. See 8 CFR 214.2(h)(19)(iii)(C). The regulation at 8 CFR 214.2(h)(19)(iii)(C) further provides definitions for basic research and applied research.</p> <p>[deleted]</p> <p>NOTE: A nonprofit research organization or governmental research organization may perform or promote more than one fundamental activity.</p> <p>[deleted]</p> <p>4. This petition is the second or subsequent request for an extension of stay filed by the employer regardless of when the first extension of stay was filed or whether the \$1,500 or \$750 filing fee was paid on the initial petition or the first extension of stay;</p> <p>...</p> <p>[Page 12]</p> <p>2. The employer is a nonprofit entity related to or affiliated with an institution of higher education as defined in 8 CFR 214.2(h)(8)(iii)(F)(2);</p>
--	---	--

	<p>3. The employer is a nonprofit research organization or governmental research organization that is primarily engaged in basic research and/or applied research as defined in 8 CFR 214.2(h)(8)(ii)(F)(3);</p> <p>...</p> <p>4. The beneficiary will spend the majority of his or her work time performing job duties at a qualifying institution, organization, or entity and those job duties directly and predominantly further the essential purpose, mission, objectives, or functions of the qualifying institution, organization, or entity, namely, either higher education, nonprofit research, or governmental research;</p> <p>NOTE: The burden is on the H-1B petitioner to establish that there is a nexus between the duties to be performed by the H-1B alien and the essential purpose, mission, objectives or functions of the qualifying institution, organization or entity.</p> <p>5. The beneficiary is currently employed at a cap-exempt institution, entity, or organization and you seek to concurrently employ the H-1B beneficiary;</p> <p>...</p>	<p>3. The employer is a nonprofit research organization or governmental research organization. When a fundamental activity of a nonprofit organization is engaging in basic research and/or applied research, that organization is a nonprofit research organization. When a fundamental activity of a governmental organization is the performance or promotion of basic research and/or applied research, that organization is a government research organization. See 8 CFR 214.2(h)(8)(iii)(F)(3) (these terms have the same definitions as described at 8 CFR 214.2(h)(19)(iii)(C)).</p> <p>...</p> <p>4. The beneficiary will spend at least half of their work time performing job duties at a qualifying institution, organization, or entity and those job duties further an activity that supports or advances one of the fundamental purposes, missions, objectives, or functions of the qualifying institution, organization, or entity.</p> <p>[deleted]</p> <p>5. The beneficiary is currently employed at a cap-exempt institution, entity, or organization and you seek to concurrently employ the H-1B beneficiary;</p> <p>...</p>
<p>Page 30,</p> <p>Paperwork Reduction Act</p>	<p>[Page 30]</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</p>	<p>[Page 30]</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</p>

	<p>2.34 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, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No 1615-0009. Do not mail your completed Form I-129 to this address.</p>	<p>2.42 hours; E-1/E-2 Classification at .67 hours; Trade Agreement Supplement at .67 hours; H Classification Supplement at 2.07 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, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No 1615-0009. Do not mail your completed Form I-129 to this address.</p>
--	---	--