

TABLE OF CHANGES – INSTRUCTIONS
Form I-129, Petition for a Nonimmigrant Worker
OMB Number: 1615-0009
02/02/2024

Reason for Revision: FeeRuleFinal

Project Phase: OPS Review

Legend for Proposed Text:

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

Expires 02/28/2027

Edition Date 04/01/2024

Current Page Number and Section	Current Text	Proposed Text
Page 1, Table of Contents	[Page 1] Table of Contents Page General Information ... Classification-Initial Evidence.....6 ... Part 1. Petition Always Required E-2 CNMI Classification.....7 H Classifications.....7 H-1B Data Collection.....9 L Classification.....16 O and P Classifications.....17 Q-1 Classification.....21 R-1 Classification.....21 Part 2. Petition Only Required for a Nonimmigrant in the United States to Change Status or Extend Stay E Classifications (not including E-2 CNMI).....22 Free Trade Nonimmigrant Classifications (H-1B1 and TNs)..... 24 Filing Requirements Written Consultation for O and P Nonimmigrants.....25 What Is the Filing Fee?.....26	[Page 1] Table of Contents Page General Information ... Classification-Initial Evidence.....7 Reduced Fees For Small Employers and Non-Profits.....7 ... Part 1. Petition Always Required E-2 CNMI Classification.....8 H Classifications.....8 H-1B Data Collection.....10 L Classification.....17 O and P Classifications.....18 Q-1 Classification.....22 R-1 Classification.....23 Part 2. Petition Only Required for a Nonimmigrant in the United States to Change Status or Extend Stay E Classifications (not including E-2 CNMI).....24 Free Trade Nonimmigrant Classifications (H-1B1 and TNs)..... 25 Filing Requirements Written Consultation for O and P Nonimmigrants.....27 [delete]

	When To File?.....27 Where To File?.....27 Additional Information Processing Information.....28 USCIS Forms and Information.....28 USCIS Compliance Review and Monitoring.....29 USCIS Privacy Act Statement.....29 Paperwork Reduction Act.....30 ... H-1B Data Collection and Filing Fee Exemption Supplement.....19 ...	Liability for Return Transportation.....27 When To File?.....27 Where To File?.....27 Additional Information Address Change.....28 Processing Information.....28 USCIS Forms and Information.....28 Penalties.....29 USCIS Compliance Review and Monitoring.....29 DHS Privacy Act.....29 Paperwork Reduction Act.....30 ... H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement.....19 ...
Page 3, Who May File Form I-129?	[Page 3] Who May File Form I-129? ... Including more than one beneficiary in a petition. You may include on the same petition multiple beneficiaries 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 provided all will: ... Naming beneficiaries. All beneficiaries in a petition must be named except for an H-2A agricultural worker or an H-2B temporary nonagricultural worker. Exceptions for H-2A/H-2B temporary workers: You must provide the name, date of birth, country of birth, and country of nationality of all H-2A and H-2B workers when (1) the petition is filed for a worker who is a national of a country not designated by the Secretary of Homeland Security as eligible to participate in the H-	[Page 3] Who May File Form I-129? ... Including more than one beneficiary in a petition. You may include on the same petition multiple beneficiaries 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 if the conditions listed below are met. However, H-2A, H-2B, H-3, O-2, P-1, P-2, P-3, and P essential support petitions are limited to 25 named beneficiaries per petition. All beneficiaries must: ... Naming beneficiaries. All beneficiaries in a petition must be named except for an H-2A agricultural worker or an H-2B temporary nonagricultural worker. You may not request both named and unnamed workers on the same H-2A or H-2B petition. Exceptions for H-2A/H-2B temporary workers: You must provide the name, date of birth, country of birth, and country of nationality of all H-2A and H-2B workers when (1) the petition is filed for a worker who is a national of a country not designated by the Secretary of Homeland Security as eligible to participate in the H-

	2A or H-2B program; or (2) the beneficiary is in the United States. In addition, USCIS may require the petitioner to name H-2B beneficiaries where the name is needed to establish eligibility for H-2B nonimmigrant status. Where some or all of the beneficiaries are not named, specify the total number of unnamed beneficiaries and total number of beneficiaries in the petition.	2A or H-2B program; or (2) the beneficiary is in the United States. In addition, USCIS may require the petitioner to name H-2B beneficiaries where the name is needed to establish eligibility for H-2B nonimmigrant status. [deleted]
Page 3-6, General Filing Instructions	[Page 3] General Filing Instructions ... Each petition must be accompanied by the appropriate filing fees. (See the What Is the Filing Fee section of these instructions.) ... [Page 4] NOTE: If the beneficiary was admitted to the United States by CBP at an airport or seaport after April 30, 2013, he/she may have been issued an electronic Form I-94 by CBP, instead of a paper Form I-94. He/she may visit the CBP website at www.cbp.gov/I94 to obtain a paper version of the electronic Form I-94. CBP does not charge a fee for this service. Some travelers admitted to the United States at a land border, or air or seaport, after April 30, 2013 with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 for the CBP website without charge. If Form I-94 cannot be obtained from the CBP website, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Document, with USCIS. USCIS does charge a fee for this service. Form I-102 may be filed together with this Form I-129.	[Page 3] General Filing Instructions ... Each petition must be accompanied by the appropriate filing fees. ... NOTE: If CBP admitted the beneficiary into the United States at an airport or seaport after April 30, 2013, he/she may have been issued an electronic Form I-94 instead of a paper Form I-94. He/she may visit the CBP website at www.cbp.gov/I94 to obtain a paper version of the electronic Form I-94. CBP does not charge a fee for this service. Some travelers may also be able to obtain a replacement Form I-94 from the CBP website for free if they were admitted to the United States at a land border, airport, or seaport after April 30, 2013, with a passport or travel document and received a paper Form I-94 from CBP. If he/she cannot obtain their Form I-94 from the CBP website, they may obtain it by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. Form I-102 may be filed together with this Form I-129. USCIS does charge a fee for Form I-102. See Form G-1055, available at www.uscis.gov/forms, for specific information about the fees applicable to this form.

	... 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. The address will determine the filing jurisdiction if the beneficiary will be providing services or completing training in multiple locations. [Page 6] Controlled Technology and Technical Data. The licensing requirements described above will affect only a small percentage of petitioners because most types of technology are not controlled for export or release to foreign persons. The technology and technical data that are, however, controlled for release to foreign persons are identified on the EAR’s Commerce Control List (CCL) and the ITAR’s U.S. Munitions List (USML). The CCL is found at 15 CFF Part 774, Supp. 1. See http://www.access.gpo.gov/bis/ear/ear_data.html#ccl. The USML is at 22 CFR 121.1. See http://www.pmddtc.state.gov/regulations_laws/itar.html. The EAR-controlled technology on the CCL generally pertains to that which is for the production, development, or use of what are generally known as “dual-use” items. The ITAR-controlled technical data on the USML generally pertains to that which is directly related to defense articles. ...	... [Page 5] 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. [Page 6] Controlled Technology and Technical Data. The licensing requirements described above will affect only a small percentage of petitioners because most types of technology are not controlled for export or release to foreign persons. The technology and technical data that are, however, controlled for release to foreign persons are identified on the EAR’s Commerce Control List (CCL) and the ITAR’s U.S. Munitions List (USML). The CCL is found at 15 CFR Part 774, Supp. 1. See http://www.access.gpo.gov/bis/ear/ear_data.html#ccl. The USML is at 22 CFR 121.1. See http://www.pmddtc.state.gov/regulations_laws/itar.html. The EAR-controlled technology on the CCL generally pertains to that which is for the production, development, or use of what are generally known as “dual-use” items. The ITAR-controlled technical data on the USML generally pertains to that which is directly related to defense articles. ...
Page 6-7, Classification – Initial Evidence	[Page 6] Classification - Initial Evidence ... 8. An M-1 student to an H classification, if training received as an M-1 helped him or	[Page 7] Classification - Initial Evidence ... 8. An M-1 student to an H classification if training received as an M-1 helped him or

	her qualify for H classification.	her qualify for H classification. Reduced Fees For Small Employers and Non-Profits You may qualify for a reduced fee on this form and the associated asylum program fee if you: 1. Have 25 or fewer full-time equivalent employees in the United States, including any affiliates and subsidiaries; or • Reduced fee for form and asylum program fee. • Possible evidence to support eligibility for the reduced fees includes a copy of the petitioner's most recent IRS Form 941, Employer's Quarterly Federal Return or IRS Form 943, Employer' Annual Tax Return for Agricultural Workers. 2. Are a tax exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), 26 U.S.C. 501(c)(3), or a governmental research organization as defined under 8 CFR 214.2(h)(19)(iii)(C). • Reduced fee for form and no asylum program fee. • Possible evidence to support eligibility for the reduced fees includes the organization's Determination Letter from the IRS or copy of a currently valid IRS tax exemption certificate.
Page 7-22, Part 1. Petition Always Required	[Page 7] Part 1. Petition Always Required ... [Page 9] 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	[Page 7] Part 1. Petition Always Required ... [Page 10] 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 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. 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: ... The Fraud Prevention and Detection Fee and Public Law 114-113 Fee, when applicable, may not be waived. Each fee should be submitted by separate check or money order. 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. ... Who is required to submit this supplement? A U.S. employer or U.S. agent seeking to classify a beneficiary as an H-1B or H-1B1 Free Trade Nonimmigrant worker must file this supplement with the Form I-129 and the appropriate fee. (See What is the Filing Fee, for more information about the appropriate fee.) ... [Page 10] Petitioners must complete Section 2., Fee Exemption and/or Determination, to determine whether they must pay the ACWIA fee. This fee is either \$1,500 or \$750, depending on the number of workers the petitioner employs. The petitioner is exempt from payment of the ACWIA fee if at least one of the following conditions apply: ...	H-1B1 petitions. Those petitioners required to submit the Fraud Prevention and Detection fee are also required to submit either an additional H-1B or L-1 fee mandated by Public Law 114-113, if: ... [deleted] 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. See Form G-1055 for specific fee amounts. ... Who is required to submit this supplement? A U.S. employer or U.S. agent seeking to classify a beneficiary as an H-1B or H-1B1 Free Trade Nonimmigrant worker must file this supplement with the Form I-129 and the appropriate fee. ... [Page 11] Petitioners must complete Section 2., Fee Exemption and/or Determination, to determine whether they must pay the ACWIA fee. See Form G-1055, available at www.uscis.gov/forms, for specific information about the fees applicable to this form. The petitioner is exempt from payment of the ACWIA fee if at least one of the following conditions apply: ...
--	--	--

	[Page 11] 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; ... What evidence is required under Section 2.? Petitioners claiming an exemption from the \$1,500 or \$750 filing fee must submit evidence showing the organization or entity is exempt from the filing fee. ... [Page 12] Write H-2A in the classification block. The petition may be filed by: ...	[Page 12] 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 ACWIA filing fee was paid on the initial petition or the first extension of stay; ... What evidence is required under Section 2.? Petitioners claiming an exemption from the ACWIA filing fee must submit evidence showing why the organization or entity is exempt. ... [Page 13] Write H-2A in the classification block. Total number of workers: The total number of workers you request on an H-2A petition must not exceed the number of workers approved by the Department of Labor on the temporary labor certification. If naming beneficiaries, a single H-2A petition may not include more than 25 named workers. A petitioner may file additional petitions if requesting more than 25 named workers. Naming beneficiaries. Generally, you may request named or unnamed workers as beneficiaries of an H-2A petition. However, you may not request both named and unnamed workers on the same H-2A petition. Workers must be named if you request workers who: 1. Are currently in the United States; and 2. Are nationals of countries that are not on the eligible countries list (see link and information below). The petition may be filed by: ...
--	---	---

	not exceed the number of workers approved by the Department of Labor or Guam Department of Labor, if required, on the temporary labor certification. Workers must be named if you request workers who: 1. Are currently in the United States; 2. Are nationals of countries that are not on the eligible countries list (see link and information below); or 3. Must meet minimum job requirements described on the temporary labor certification. Eligible Countries List ... [Page 15] Filing Multiple Petitions You generally may file one petition to request all of your H-2A or H-2B workers associated with one temporary labor certification. In cases where filing a separate petition is not required, it may be advantageous to file more than one H-2A or H-2B petition instead. This can occur when you petition for multiple workers, some of whom may not qualify for part or all of the validity period you request. This most frequently occurs when: ... <u>H-3 Nonimmigrants (Two Types)</u> The H-3 classification is for beneficiaries coming to the United States temporarily to participate in a special education exchange visitor program in the education of children with physical, mental, or emotional disabilities. Write H-3 in the classification block.	Eligible Countries List ... [Page 16] Filing Multiple Petitions You generally may file one petition to request all of your H-2A or H-2B workers associated with one temporary labor certification (with a limit of 25 named workers per petition). In cases where filing a separate petition is not required, it may be advantageous to file more than one H-2A or H-2B petition instead. This can occur when you petition for multiple workers, some of whom may not qualify for part or all of the validity period you request. This most frequently occurs when: ... <u>H-3 Nonimmigrants (Two Types)</u> The H-3 classification is for beneficiaries coming to the United States temporarily to participate in a special education exchange visitor program in the education of children with physical, mental, or emotional disabilities. Write H-3 in the classification block.
--	--	--

	... [Page 17] 2. The petitioner has the financial ability to renumerate the beneficiary and to commence doing business in the United States. NOTE: There are additional fees associated with certain L-1A and L1B petitions. Please see the “What is the Filing Fee” section of these forms instructions for further information about these fees. <u>O-1A Nonimmigrants</u> ... [Page 18] 2. Evidence of the current essentiality, critical skills, and experience of the O-2 with the O-1 and evidence that the beneficiary has substantial experience performing the critical skills and essential support services for the O-1 principal nonimmigrant. In the case of a specific motion picture or television production, the evidence must establish that significant production has taken place outside the United States, and will take place inside the United States, and that the continuing participation of the beneficiary is essential to the successful completion of the production.	Including more than one beneficiary in a petition. You may include up to 25 beneficiaries on the same petition if all beneficiaries will receive the same training for the same period of time in the same location. If you seek H-3 classification for more than 25 beneficiaries, you must file more than one petition. ... [Page 18] 2. The petitioner has the financial ability to renumerate the beneficiary and to commence doing business in the United States. [deleted] <u>O-1A Nonimmigrants</u> ... [Page 19] 2. Evidence of the current essentiality, critical skills, and experience of the O-2 with the O-1 and evidence that the beneficiary has substantial experience performing the critical skills and essential support services for the O-1 principal nonimmigrant. In the case of a specific motion picture or television production, the evidence must establish that significant production has taken place outside the United States, and will take place inside the United States, and that the continuing participation of the beneficiary is essential to the successful completion of the production. Including more than one beneficiary in a petition. You may include up to 25 beneficiaries seeking O-2 classification on the same petition if they will all be assisting the same O-1 for the same events or performances, during the same period of
--	---	---

		time, and in the same location. If you seek O classification for more than 25 beneficiaries, or if the above conditions do not apply, you must file a separate petition. Employers must file separate petitions for O-2 accompanying aliens providing essential support. These beneficiaries may not be included in the same petition as the O-1 principal they seek to accompany. [Page 20] <u>P-1A or P-1 Major League Sports</u> The P-1A classification is for beneficiaries coming to the United States temporarily to perform at a specific athletic competition as an individual or as part of a group or team participating at an internationally recognized level of performance. ... Write P-1A in the classification block. ... [Page 19] F. That the beneficiary or team is ranked, if the sport has international rankings; or ... <u>P-1B Entertainer or Entertainment Group</u> The P-1B classification is for beneficiaries coming to the United States temporarily to perform as a member of
		time, and in the same location. If you seek O classification for more than 25 beneficiaries, or if the above conditions do not apply, you must file a separate petition. Employers must file separate petitions for O-2 accompanying aliens providing essential support. These beneficiaries may not be included in the same petition as the O-1 principal they seek to accompany. [Page 20] <u>P-1A or P-1 Major League Sports</u> The P-1A classification is for beneficiaries coming to the United States temporarily to perform at a specific athletic competition as an individual or as part of a group or team participating at an internationally recognized level of performance. ... Write P-1A in the classification block. Including more than one beneficiary in a petition. You may include up to 25 beneficiaries on the same petition, provided that the beneficiaries are all members of a team. If you seek P-1A or P-1 classification for more than 25 beneficiaries, you must file more than one petition. ... F. That the beneficiary or team is ranked if the sport has international rankings; or ... <u>P-1B Entertainer or Entertainment Group</u> The P-1B classification is for beneficiaries coming to the United States temporarily to perform as a member of

	an entertainment group that has been recognized internationally as outstanding in the discipline for a substantial period of time, and who has had a sustained relationship with the group (ordinarily for at least 1 year). Write P-1B in the classification block. ... [Page 20] <u>P-2 Nonimmigrants</u> The P-2 classification is for beneficiaries coming to the United States temporarily to perform as an artist or entertainer, individually or as part of a group, under a reciprocal exchange program between an organization in the United States and an organization in another country. Write P-2 in the classification block. ... <u>P-3 Nonimmigrants</u> The P-3 classification is for beneficiaries coming to the United States temporarily to perform, teach, or coach, individually or as part of a group, in the arts or entertainment fields in a program that is culturally unique and which will further the understanding or development of the art form. Write P-3 in the classification block.	an entertainment group that has been recognized internationally as outstanding in the discipline for a substantial period of time, and who has had a sustained relationship with the group (ordinarily for at least 1 year). Write P-1B in the classification block. Including more than one beneficiary in a petition. You may include up to 25 beneficiaries on the same petition, provided that the beneficiaries are all members of a group. If you seek P-1B classification for more than 25 beneficiaries, you must file more than one petition. ... [Page 21] <u>P-2 Nonimmigrants</u> The P-2 classification is for beneficiaries coming to the United States temporarily to perform as an artist or entertainer, individually or as part of a group, under a reciprocal exchange program between an organization in the United States and an organization in another country. Write P-2 in the classification block. Including more than one beneficiary in a petition. You may include up to 25 beneficiaries on the same petition, provided that the beneficiaries are all members of a group. If you seek P-2 classification for more than 25 beneficiaries, you must file more than one petition. ... <u>P-3 Nonimmigrants</u> The P-3 classification is for beneficiaries coming to the United States temporarily to perform, teach, or coach, individually or as part of a group, in the arts or entertainment fields in a program that is culturally unique and which will further the understanding or development of the art form. Write P-3 in the classification block.
--	--	---

	... Write P-1S, P-2S, or P-3S as appropriate in the classification block. ... [Page 21] Write R-1 in the classification block. ...	Including more than one beneficiary in a petition. You may include up to 25 beneficiaries on the same petition, provided that the beneficiaries are all members of a group. If you seek P-3 classification for more than 25 beneficiaries, you must file more than one petition. ... [Page 22] Write P-1S, P-2S, or P-3S as appropriate in the classification block. Including more than one beneficiary in a petition. You may include up to 25 beneficiaries on the same petition if they will provide essential support to P-1, P-2, or P-3 beneficiaries performing in the same location and in the same occupation. If you seek P-1, P-2, or P-3 classification for more than 25 beneficiaries, or seek different classifications for each beneficiary, you must file more than one petition. ... [Page 23] Write R-1 in the classification block. Petitions for R-1 classification may not include more than one beneficiary. ...
Pages 22-25, Part 2. Petition Only Required for an Alien in the United States to Change Status or Extend Stay	[Page 22] Part 2. Petition Only Required for a Nonimmigrant in the United States to Change Status or Extend Stay ... [Page 24] The TN nonimmigrant classification is for nonimmigrants who are citizens of Canada or Mexico covered by the North American Free Trade Agreement coming to the United States to engage	[Page 24] Part 2. Petition Only Required for a Nonimmigrant in the United States to Change Status or Extend Stay ... [Page 25] The TN nonimmigrant classification is for nonimmigrants who are citizens of Canada or Mexico covered by the United States-Mexico-Canada Agreement (“USMCA” formerly North American

	temporarily in business activities at a professional level. Depending on the specific type of business activity, a TN must at least have a bachelor's degree or, in certain limited instances, other appropriate credentials which demonstrate status as a professional. The acceptable types of TN business activities at a professional level are listed at 8 CFR 214.6(c). ...	Free Trade Agreement) coming to the United States to engage temporarily in business activities at a professional level. Depending on the specific type of business activity, a TN must at least have a bachelor's degree or, in certain limited instances, other appropriate credentials which demonstrate status as a professional. The acceptable types of TN business activities at a professional level are listed at 8 CFR 214.6(c). ...
Page 26, Liability for Return Transportation	[Page 26] Liability for Return Transportation The Immigration and Nationality Act makes a petitioner liable for the reasonable cost of return transportation for an H-1B, H-2B, O, and P beneficiary who is dismissed before the end of the period of authorized admission.	[Page 27] Liability for Return Transportation The Immigration and Nationality Act makes a petitioner liable for the reasonable cost of return transportation for an H-1B, H-2B, O, and P beneficiary who is dismissed before the end of the period of authorized admission.
Page 26-27, What Is the Filing Fee	[Page 26] What Is the Filing Fee The base filing fee for Form I-129 is \$460. American Competitiveness and Workforce Improvement Act (ACWIA) fee for certain H-1B and H-1B1 Petitions A petitioner filing Form I-129 for an H-1B nonimmigrant or for a Chile or Singapore H-1B1 Free Trade Nonimmigrant must submit the \$460 petition filing fee and, unless exempt under Section 2. of the H-1B Data Collection and Filing Fee Exemption Supplement, an additional fee of either \$1,500 or \$750. To determine which ACWIA fee to pay, complete Section 2., of the H-1B Data Collection and Filing Fee Exemption Supplement. A petitioner filing Form I-129 who is required to pay the ACWIA fee may make the payment in the form of a single check or money order for the total amount due or as two checks or money orders, one for the ACWIA fee and one for the petition fee. [Page 27]	[deleted]

Additional fees for H-1B, L-1, and H-2B Petitions

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 petitioner, must submit a **\$500** Fraud Prevention and Detection fee. Petitioners for Chile or Singapore H-1B1 Free Trade Nonimmigrants do not have to pay the **\$500** fee.

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:

1. The petitioner employs 50 or more individuals in the United States;
2. More than 50 percent of those employees are in H-1B, L-1A, or L-1B nonimmigrant status; and
3. The petition is filed on or after December 18, 2015.

Employers filing H-2B petitions must submit an additional fee of **\$150**.

You must include payment of the fees with your submission of this form. Failure to submit the fees when required will result in rejection or denial of your submission.

NOTE: The Fraud Prevention and Detection fee and Public Law 114-113 fee, when applicable, may not be waived. Each fee should be submitted in a separate check or money order.

Biometrics Services fee for certain beneficiaries in the CNMI

An additional biometrics services fee as described in 8 CFR 103.7(b) is required if the alien is lawfully present in the CNMI when applying for an initial grant of any federal nonimmigrant status. After submission of the form, USCIS will notify you about when and where to go for biometric services.

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this petition. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Use the following guidelines when you prepare your checks or money orders for the Form I-129 filing fee:

1. The check and money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the checks or money orders payable to U.S. Department of Homeland Security.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”

Notice to Those Making Payment by Check. If you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.

How to Check If the Fees Are Correct

Form I-129’s filing fee and biometrics services fee are current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are

	correct by following one of the steps below. 1. Visit the USCIS website at www.uscis.gov, select “FORMS,” and check the appropriate fee; or 2. Call the USCIS Contact Center at 1-800-375-5283 and ask for fee information. For TTY (deaf or hard of hearing) call: 1-800-767-1833.	
Page 26, When To File?	[Page 27] When To File? ...	[Page 27] When To File? ...
Page 30, Paperwork Reduction Act	[Page 29] Paperwork Reduction Act 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 2.34 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.	[Page 30] Paperwork Reduction Act USCIS may not conduct or sponsor an information collection, and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated for Form I-129 at 2.487 hours; E-1/E-2 Classification at 0.67 hours; Trade Agreement Supplement at 0.67 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 0.34 hours; R-1 Classification Supplement at 2.34 hours; and Form I-129 ATT at 0.33 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.

