

TABLE OF CHANGES – INSTRUCTIONS
Form I-129, Petition for a Nonimmigrant Worker
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- Black font = Current text
- Red font = Changes

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Page 2, The Purpose of Form I-129	[Page 2] The Purpose of Form I-129 This form is used by an employer to petition U.S. Citizenship and Immigration Services (USCIS) for an alien to come temporarily to the United States as a nonimmigrant to perform services or labor, or to receive training. ... These Instructions are divided into two parts: Part 1: Classifications that always require a petition. E-2 CNMI -- treaty investor exclusively in the Commonwealth of the Northern Mariana Islands (CNMI). H-1B -- specialty occupation worker; an alien coming to perform services of an exceptional nature that relate to a U.S. Department of Defense-administered project; or a fashion model of distinguished merit and ability. H-2A -- temporary agricultural worker. H-2B -- temporary nonagricultural worker. ...	Page 2] The Purpose of Form I-129 This form is used by an employer to petition U.S. Citizenship and Immigration Services (USCIS) for certain aliens to come temporarily to the United States as a nonimmigrant to perform services or labor, or to receive training. Please see below for the classifications that use this form, as listed for Part 1 and Part 2. ... These Instructions are divided into two parts: Part 1: Classifications that always require a petition. E-2 CNMI -- treaty investor exclusively in the Commonwealth of the Northern Mariana Islands (CNMI). H-1B -- specialty occupation worker; an alien coming to perform services of an exceptional nature that relate to a U.S. Department of Defense-administered project; or a fashion model of distinguished merit and ability. [Delete] H-2B -- temporary nonagricultural worker. ...
Page 3, Who May File Form I-129?	[Page 3] Who May File Form I-129? 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. ... 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 if the conditions listed below are met.	[Page 3] Who May File Form I-129? 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 or U.S. agent may file for certain classifications as indicated in the specific instructions. ... Including more than one alien in a petition. You may include on the same petition multiple aliens who seek admission in the 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,

	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. ... Naming beneficiaries. All beneficiaries in a petition must be named except for an H-2A agricultural worker or an H-2B temporary nonagricultural worker who is not currently inside the United States. You may not request both named and unnamed workers on the same H-2A or H-2B petition. 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.	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. ... Naming beneficiaries. All beneficiaries in a petition must be named except for an H-2B temporary nonagricultural worker who is not currently inside the United States. You may not request both named and unnamed workers on the same H-2B petition. 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.
Pages 5-7, Basis for Classification	[Page 5] Basis for Classification ... F. Amended petition. Select this box if you are applying to notify USCIS of a material change in the terms or conditions of employment or training or the beneficiary's eligibility as specified in the original approved petition. Additionally, petitioners requesting H-2A or H-2B substitutions should check this box. ... Reduced Fees For Small Employers and Non-Profits ... 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's Annual Tax Return for Agricultural Workers.	[Page 5] Basis for Classification ... F. Amended petition. Select this box if you are applying to notify USCIS of a material change in the terms or conditions of employment or training or the beneficiary's eligibility as specified in the original approved petition. Additionally, petitioners requesting H-2B substitutions should select this box. ... Reduced Fees For Small Employers and Non-Profits ... 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's Annual Tax Return for Agricultural Workers.
Pages 7-26, Part 1. Petition Always Required	Completing Section 3. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form	Completing Section 3. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form

	... 8. The petitioner is an employer eligible for the Guam-CNMI cap exemption pursuant to Public Law 110-229. Public Law 110-229 provides that nonimmigrant workers admitted to Guam or CNMI are exempt from the statutory caps for the H visa programs through December 31, 2029. [Page 14] <u>H-2A Nonimmigrants</u> The H-2A classification is for aliens coming to the United States temporarily to perform agricultural labor or services of a temporary or seasonal nature. 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 are currently in the United States. The petition may be filed by: 1. The employer listed on the temporary labor certification; 2. The employer's agent; or 3. The association of U.S. agricultural producers named as a joint employer on the temporary labor certification.	... 8. The petitioner is an employer eligible for the Guam-CNMI cap exemption pursuant to Public Law 110-229. Public Law 110-229 provides that nonimmigrant workers admitted to Guam or CNMI are exempt from the statutory caps for the H visa programs through December 31, 2029. [Delete] [Delete] [Delete] [Delete] [Delete] [Delete] [Delete] [Delete] [Delete] [Delete] [Delete]
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	The H-2A petitioner, employer (if different from the petitioner), and each joint employer must complete and sign the relevant sections of the H Classification Supplement. A separate Part C. of the H Classification Supplement must be submitted for each joint employer. Additionally, the petitioner must submit: 1. A single valid temporary labor certification from the U.S. Department of Labor;* and 2. Evidence showing that each named beneficiary meets the minimum job requirements stated in the temporary labor certification at the time the certification application was filed. *Under certain emergent circumstances, as determined by USCIS, petitions requesting a continuation of employment with the same employer for 2 weeks or less are exempt from the temporary labor certification requirement. See 8 CFR 214.2(h)(5)(x). <u>H-2B Nonimmigrants</u> ... H-2B Start Date A petition for H-2B workers must request an employment start date that matches the start date approved by the U.S. Department of Labor or Guam Department of Labor on the temporary labor certification. Petitions without matching start dates may be denied. This does not apply to amended petitions which request to substitute H-2B workers using the same temporary labor certificate. [NEW]	[Delete] [Delete] [Delete] [Delete] [Delete] <u>H-2B Nonimmigrants</u> ... H-2B Start Date A petition for H-2B workers must request an employment start date that matches the start date approved by the U.S. Department of Labor or Guam Department of Labor on the temporary labor certification. Petitions without matching start dates may be denied. This does not apply to amended petitions which request to substitute H-2B workers using the same temporary labor certification. Filing Multiple Petitions You generally may file one petition to request all of your 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
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		required, it may nevertheless be advantageous to file more than one 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: 1. You request workers who have an uninterrupted period of absence of at least 60 days from the United States; or 2. At least one worker is nearing the 3-year maximum stay limit. If we request additional evidence because of these situations, it may delay petition processing. Filing separate petitions for workers who are not affected by these scenarios may enable you to quickly obtain some workers, if they are otherwise eligible, in the event that the petition for your other workers is delayed. If you decide to file more than one petition with the same temporary labor certification, you may do so if: 1. The total number of beneficiaries on your petitions does not exceed the total number of workers approved by the U.S. Department of Labor on the temporary labor certification; and 2. Each petition is accompanied by a copy of the same temporary labor certification. Period of Absence An absence from the United States for an uninterrupted period of at least 60 days will provide a new total of 3 years of H-2B status that may be granted. The 3-year maximum period of stay in H-2B status does not automatically restart if the worker departs the United States. It restarts only if the absence is for a continuous period of at least 60 days. [Delete] Prohibited H-2B Fees
	Additional Information Regarding H-2A and H-2B Petitions Prohibited H-2A and H-2B Fees	

	As a condition of approval of an H-2A or H-2B petition, no job placement fee, fee or penalty for breach of contract, or other fee, penalty, or compensation (either direct or indirect) related to the H-2A or H-2B employment (collectively, “prohibited fees”) may be collected at any time from a beneficiary of an H-2A or H-2B petition or any person acting on the beneficiary’s behalf by a petitioner, a petitioner’s employee, agent, attorney, facilitator, recruiter, or similar employment service, or any employer (if different from the petitioner). The term “similar employment service” refers to any person or entity that recruits or solicits prospective beneficiaries of the H-2 petition. This includes recruitment or employment services offered by private, nongovernmental individuals and entities, as well as quasi-governmental entities and governmental entities, whether or not such person or entity is located in the United States. Further, in the H-2A context, no such fee related to the H-2A employment may be collected by a petitioner’s joint employers, including a petitioner’s member employers if the petitioner is an association of United States agricultural producers, whether before or after the filing or approval of a petition. Prohibited fees may include, but are not limited to, deduction or withholding of wages or salary, whether or not such deduction or withholding of wages or salary provides some benefit to the beneficiary. The passing of a cost to the beneficiary that, by statute or applicable regulations is the responsibility of the petitioner, constitutes the collection of a prohibited fee. ... The petition will be denied or revoked if USCIS determines that the petitioner or any petitioner’s employee, agent, attorney, facilitator, recruiter, or similar employment service, or any employer or joint employer, collected, or entered into an agreement to collect, prohibited fees, as described above, whether before or after the filing of the petition. ...	As a condition of approval of an H-2B petition, no job placement fee, fee or penalty for breach of contract, or other fee, penalty, or compensation (either direct or indirect) related to the H-2B employment (collectively, “prohibited fees”) may be collected at any time from a beneficiary of an H-2B petition or any person acting on the beneficiary’s behalf by a petitioner, a petitioner’s employee, agent, attorney, facilitator, recruiter, or similar employment service, or any employer (if different from the petitioner). The term “similar employment service” refers to any person or entity that recruits or solicits prospective beneficiaries of the H-2B petition. This includes recruitment or employment services offered by private, nongovernmental individuals and entities, as well as quasi-governmental entities and governmental entities, whether or not such person or entity is located in the United States. Prohibited fees may include, but are not limited to, deduction or withholding of wages or salary, whether or not such deduction or withholding of wages or salary provides some benefit to the beneficiary. The passing of a cost to the beneficiary that, by statute or applicable regulations is the responsibility of the petitioner, constitutes the collection of a prohibited fee. ... The petition will be denied or revoked if USCIS determines that the petitioner or any petitioner’s employee, agent, attorney, facilitator, recruiter, or similar employment service, or any employer, collected, or entered into an agreement to collect, prohibited fees, as described above, whether before or after the filing of the petition. ...
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	Other Violations USCIS has the authority to deny H-2A or H-2B petitions if the petitioner has been found to have committed certain serious labor law violations or otherwise violated the requirements of the H-2A or H-2B program. Prospective denials under this provision will apply across both H-2 classifications regardless of whether the violation occurred in the H-2A or H-2B program. For the purposes of this denial authority, a criminal conviction or final administrative or judicial determination against any one of the following individuals will be treated as a conviction or final administrative or judicial determination against the petitioner or successor in interest: ... <i>Mandatory Denial</i> USCIS is required by regulation to deny any H-2A or H-2B petition filed on or after January 17, 2025 by a petitioner (or its successor in interest) that has been the subject of one or more of the following actions: ... <i>Discretionary Denial</i> USCIS may deny any H-2A or H-2B petition filed by a petitioner (or its successor in interest) on or after January 17, 2025, that has been the subject of one or more of the following actions during the pendency of the petition (except as provided in Item 1.B. below), or within 3 years prior to filing the petition, if USCIS determines that the underlying violation(s) calls into question the petitioner's or successor's intention and/or ability to comply with H-2A or H-2B program requirements. ... 3. Any Federal, state, or local final administrative or judicial determination (other than one described in 8 CFR 214.2(h)(10)(iv)(A)) that the petitioner	Other Violations USCIS has the authority to deny H-2B petitions if the petitioner has been found to have committed certain serious labor law violations or otherwise violated the requirements of the H-2A or H-2B program. Prospective denials under this provision will apply across both H-2 classifications regardless of whether the violation occurred in the H-2A or H-2B program. For the purposes of this denial authority, a criminal conviction or final administrative or judicial determination against any one of the following individuals will be treated as a conviction or final administrative or judicial determination against the petitioner or successor in interest: ... <i>Mandatory Denial</i> USCIS is required by regulation to deny any H-2B petition filed on or after January 17, 2025 by a petitioner (or its successor in interest) that has been the subject of one or more of the following actions: ... <i>Discretionary Denial</i> USCIS may deny any H-2B petition filed by a petitioner (or its successor in interest) on or after January 17, 2025, that has been the subject of one or more of the following actions during the pendency of the petition (except as provided in Item 1.B. below), or within 3 years prior to filing the petition, if USCIS determines that the underlying violation(s) calls into question the petitioner's or successor's intention and/or ability to comply with H-2B program requirements. ... 3. No Change
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	violated any applicable employment-related laws or regulations, including health and safety laws or regulations. If the petitioner has been the subject of one of the above determinations, the petitioner must demonstrate to USCIS that the underlying violation(s) does not call into question its intent and ability to comply with H-2 program requirements. In determining whether the violation(s) underlying the above determinations call into question the petitioner's (or successor's) intent and ability to comply with H-2 program requirements, USCIS will consider all relevant factors including, but not limited to: ... Notification Requirements By filing an H-2A or H-2B petition, the petitioner agrees to notify USCIS within 2 work days if an H-2A or H-2B worker: 1. Does not report to work within 5 workdays after the employment start date stated on the petition or within 5 workdays after the start date as established by the H-2A employer, whichever is later; ... Failure to comply with this agreement may result in penalties against the petitioner. See uscis.gov/h-2a and uscis.gov/h-2b, respectively, for more information, including the appropriate manner of notifying DHS. 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 nevertheless 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	If the petitioner has been the subject of one of the above determinations, the petitioner must demonstrate to USCIS that the underlying violation(s) does not call into question its intent and ability to comply with H-2B program requirements. In determining whether the violation(s) underlying the above determinations call into question the petitioner's (or successor's) intent and ability to comply with H-2B program requirements, USCIS will consider all relevant factors including, but not limited to: ... Notification Requirements By filing an H-2B petition, the petitioner agrees to notify USCIS within 2 work days if an H-2B worker: 1. Does not report to work within 5 workdays after the employment start date stated on the petition; ... Failure to comply with this agreement may result in penalties against the petitioner. See uscis.gov/h-2b for more information, including the appropriate manner of notifying DHS. [Delete] [Delete]
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	all of the validity period you request. This most frequently occurs when: 1. You request workers who have an uninterrupted period of absence of at least 60 days from the United States; or 2. At least one worker is nearing the 3-year maximum stay limit. If we request additional evidence because of these situations, it may delay petition processing. Filing separate petitions for workers who are not affected by these scenarios may enable you to quickly obtain some workers, if they are otherwise eligible, in the event that the petition for your other workers is delayed. If you decide to file more than one petition with the same temporary labor certification, you may do so if: 1. The total number of beneficiaries on your petitions does not exceed the total number of workers approved by the U.S. Department of Labor on the temporary labor certification; and 2. Each petition is accompanied by a copy of the same temporary labor certification. Period of Absence An absence from the United States for an uninterrupted period of at least 60 days will provide a new total of 3 years of H-2A or H-2B status that may be granted. The 3-year maximum period of stay in H-2A or H-2B status does not automatically restart if the worker departs the United States. It restarts only if the absence is for a continuous period of at least 60 days. Recruitment of H-2A and H-2B Workers The petitioner must provide the name(s) and address(es) of all agents, facilitators, recruiters, or similar employment services hired by or working for the petitioner to locate and/or recruit the H-2A or H-2B workers that the petitioner intends to hire by filing this petition. The petitioner must provide this information regardless of	[Delete] [Delete] [Delete] [Delete] [Delete] [Delete] [Delete] [Delete] [Delete] Recruitment of H-2B Workers The petitioner must provide the name(s) and address(es) of all agents, facilitators, recruiters, or similar employment services hired by or working for the petitioner to locate and/or recruit the H-2B workers that the petitioner intends to hire by filing this petition. The petitioner must provide this information regardless of whether the
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	whether the petitioner has a direct or indirect contractual relationship, and whether such person or entity is located inside or outside the United States or is a governmental or quasi-governmental entity. NOTE: U.S. Department of Labor regulations require H-2A petitioners to continue to keep foreign labor recruiter information up to date until the end of the work contract period, with this updated information available in the event of a post-certification audit or upon request by the Department of Labor. Additionally, the Department of State may request up to date foreign labor recruiter information at the time of visa application.	petitioner has a direct or indirect contractual relationship, and whether such person or entity is located inside or outside the United States or is a governmental or quasi-governmental entity. NOTE: The Department of State may request up to date foreign labor recruiter information at the time of visa application.
Pages 26-29, Part 2. Petition Only Required for an Alien in the United States to Change Status or Extend Stay	[Page 26] Part 2. Petition Only Required for an Alien in the United States to Change Status or Extend Stay ... Extension of Stay ... 5. If requesting an extension of H-1B status (including H1B1 Chile/Singapore), evidence that the Department of Labor has certified a labor condition application for the specialty occupation which is valid for the period of time requested; 6. If requesting H-2A status, submit a U.S. Department of Labor approved temporary labor certification valid for the dates of the extension, unless it is based on a continuation of previously approved employment due to exigent circumstances and the extension will last no longer than 2 weeks; 7. If requesting H-2B status, submit a U.S. Department of Labor approved temporary labor certification valid for the dates of extension.	[Page 26] Part 2. Petition Only Required for an Alien in the United States to Change Status or Extend Stay ... Extension of Stay ... 5. If requesting an extension of H-1B status (including H1B1 Chile/Singapore), evidence that the Department of Labor has certified a labor condition application for the specialty occupation which is valid for the period of time requested; [Delete] 6. If requesting H-2B status, submit a U.S. Department of Labor approved temporary labor certification valid for the dates of extension.
Page 32, Paperwork Reduction Act	[Page 32]	[Page 32]

	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 OMB control number. The public reporting burden for this collection of information is estimated for Form I-129 at 2.55 hours; E-1/E-2 Classification at 0.67 hours; Trade Agreement Supplement at 0.67 hours; H Classification Supplement at 2.3 hours; H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement at 1.25 hours; 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 information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. 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, Office of Policy and Strategy, Regulatory Coordination Division, 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.	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 OMB control number. The public reporting burden for this collection of information is estimated for Form I-129 at 2.55 hours; E-1/E-2 Classification at 0.67 hours; Trade Agreement Supplement at 0.67 hours; H Classification Supplement at 2.3 hours; H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement at 1.25 hours; L Classification Supplement to Form I-129 at 1.34 hours; O and 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 information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. 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, Office of Policy and Strategy, Regulatory Coordination Division, 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.
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