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## Q : What are the main errors in an H-1B petition that can cause USCIS to have to reject or deny the petition?

There are several common errors made by petitioners that can cause a petition to be rejected or denied. This is a list of the most frequently seen and easily cured mistakes.

### **Incorrect Fees**

Frequently, petitioners miscalculate the amount of money needed for each filing. If you submit the fees in one check and the amount is wrong, we must reject the petition. **We suggest you submit the fees in separate checks. We believe this lessens the likelihood of unintentional math errors when calculating the total fees due in connection with the filing of an H-1B petition.**

### **Inconsistent and Incorrect Answers on Form I-129 and Supplements**

- Please double check the petition to make sure you have answered all the questions and that the answers are consistent and correct throughout the entire package, including the petition and all accompanying documentation. USCIS cannot make assumptions about what a petitioner really intended if that is not clear on the face of the documents submitted.
- For example, if you check "yes" to the question of whether the beneficiary has a U.S. Master's degree in Part A, #5 of the supplement, then Part C, #7 should also be checked "yes."
- Another common mistake is where the petitioner indicates on one part of the Form I-129 that the beneficiary is not subject to the cap, but on top of the petition they may write "Regular Cap." This can also delay processing of a case or even cause it to be rejected.

### **If your worker is or has been a J-1 worker please note:**

Part C, #4 of the I-129 H-1B Data Collection Supplement does not refer to all Js with a waiver of the 2-year foreign residency rule (212e). Do not check "yes" unless your worker is a doctor who has been granted a Conrade 30 waiver to work in a medically underserved area.

For Fiscal Year 2009, the first filing date is Tuesday, April 1, 2008. USCIS wants to be sure to accept all qualifying petitions for inclusion in the random selection, if necessary. If you file a petition correctly, you increase your chances of obtaining an H-1B cap number. We are working on making the process as smooth as possible both this coming April and in the future. Please read all Updates posted for additional information.

Petitions are filed at Vermont and California Service Centers, depending on jurisdiction. See filing instructions and USCIS Update on "Centralized Filing Location" for certain H-1B cap exempt petitioners (listed in the Related Links section of this page). both the forms and the instructions can be downloaded from our website under "Immigration Forms".

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