

I-129 Table of Changes
January 28, 2010
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Location	Current Language	Proposed Language
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<p>Page 1: What is the</p>	<p>This form is used by an employer to petition the U.S. Citizenship and Immigration Services (USCIS) for an</p>	<p>This form is used by an employer to petition the U.S. Citizenship and Immigration Services (USCIS) for an alien beneficiary to come as a</p>

<p>Purpose of This Form?</p>	<p>alien to come as a nonimmigrant to the United States temporarily to perform services or labor, or to receive training, as an:</p> <ol style="list-style-type: none"> 1. H-1B, specialty occupation; an alien coming to perform services of an exceptional nature relating to a project administered by the U.S. Department of Defense; a fashion model who has national and international acclaim; an alien coming in accordance with a trade agreement with Chile or Singapore. 2. H-2A, temporary agricultural worker. 3. H-2B, temporary nonagricultural worker. 4. H-3, trainee. 5. L-1, intracompany transferee. 6. O-1, alien of extraordinary ability in arts, science, education, business or athletics. 7. O-2, accompanying alien who is coming to the United States to assist in the artistic or athletic performance of an O-1 artist or athlete. 8. P-1, internationally recognized athlete/entertainment group. 9. P-1S, essential support personnel for a P-1 10. P-2, artist or entertainer in reciprocal exchange program. 11. P-2S, essential support personnel for a P-2. 12. P-3, artist/entertainer coming to the United States to perform, teach or coach under a program that is culturally unique. 13. P-3S, essential support personnel for a P-3. 14. Q-1, alien coming temporarily to participate in an international cultural 	<p>nonimmigrant to the United States temporarily to perform services or labor, or to receive training.</p> <p>Form I-129 consists of the:</p> <ol style="list-style-type: none"> 1. Basic petition; 2. Individual supplements relating to specific classifications, and 3. The H-1B Data Collection and Filing Fee Exemption Supplement (required for H-1B classifications only). <p>These instructions are divided into two parts:</p> <p>PART 1: Classifications that always require a petition:</p> <p>E-2 CNMI, treaty investor exclusively in the Commonwealth of the Northern Mariana Islands (CNMI)</p> <p>H-1B, specialty occupations; an alien coming to perform services of an exceptional nature relating to a project administered by the U.S. Department of Defense; or a fashion model who has national and international acclaim.</p> <p>H-1C, registered nurse</p> <p>H-2A, temporary agricultural worker.</p> <p>H-2B, temporary nonagricultural worker.</p> <p>H-3, trainee.</p> <p>L-1, intracompany transferee.</p> <p>O-1, alien of extraordinary ability in arts, science, education, business or athletics.</p> <p>O-2, accompanying alien who is coming to the United States to assist in the artistic or athletic performance of an O-1 artist or athlete.</p> <p>P-1, major league sports</p> <p>P-1, internationally recognized athlete/entertainment group.</p> <p>P-1S, essential support personnel for a P-1.</p> <p>P-2, artist or entertainer in reciprocal exchange program.</p> <p>P-2S, essential support personnel for a P-2.</p>
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	<p>exchange program.</p> <p>15. R-1, religious worker</p> <p>This form is used also by an employer to request an extension of stay or change of status for the following nonimmigrants:</p> <p>1. E-1, treaty trader.</p> <p>2. E-2, treaty investor.</p> <p>3. Free Trade Nonimmigrants, H-1B1s and TNs.</p> <p>NOTE: A petition is not required for an E-1 or E-2 nonimmigrant visa or admission as a TN nonimmigrant from Canada or Mexico. A petition is also not required for an H-1B1 Free Trade Nonimmigrant from Chile or Singapore. These persons may apply directly to a U.S. Embassy or consulate abroad.</p> <p>A petition is required only to apply for a change or extension of stay in such status.</p> <p>NOTE: Form I-129 consists of a basic petition, individual supplements relating to specific classifications, and for H-1B petitions, the H-1B Data Collection and Filing Fee Exemption Supplement with its particular instructions (formerly issued separately as Form I-129W).</p> <p>The following Table of Contents will help you locate information on the form and each supplement:</p>	<p>P-3, artist/entertainer coming to the United States to perform, teach, or coach under a program that is culturally unique.</p> <p>P-3S, essential support personnel for a P-3.</p> <p>Q-1, alien coming temporarily to participate in an international cultural exchange program.</p> <p>R-1, religious worker</p> <p>PART 2: Classifications that require a petition only if the beneficiary is already in the United States and requesting an extension of stay or change of status:</p> <p>E-1, treaty trader.</p> <p>E-2, treaty investor (not including E-2 CNMI treaty investors).</p> <p>E-3, Free Trade Agreement professionals from Australia.</p> <p>Free Trade Nonimmigrants, H-1B1 aliens from Chile or Singapore and TN aliens from Canada or Mexico.</p> <p>[Delete the first “Note” which begins “A petition is not required for an E-1 or E-2 nonimmigrant visa...” Also delete the sentence “A petition is required only to apply “]</p> <p>NOTE: A petition must be always filed for an E-2 CNMI investor classification.</p>
<p>Page 2: Who May File This Form I-129?</p>	<p>General. *****</p> <p>Agents. *****</p> <p>Including more than one alien in a petition. Multiple aliens who will seek admission in H-2A, H-2B, H-3, P-1, P-2,P-3, O-2 or Q-1</p>	<p>General *****</p> <p>Agents *****</p> <p>Including more than one alien in a petition. Multiple aliens who will seek admission in H-1C, H-2A, H-2B, H-3, P-1, P-2, P-3, O-2 or Q-1 classification may be included on</p>

	<p>classification may be included on the same petition provided:</p> <ol style="list-style-type: none"> 1. They will all be employed for the same period of time; and 2. They will all perform the same services, receive the same training or participate in the same international cultural exchange program. <p>Exception: H2-A and H-2B petitions for workers from countries not designated in accordance with paragraphs 8 CFR 214.2(h)(5)(i)(F)(1) and (h)(6)(i)(E)(1) should be filed separately. See www.uscis.gov web site for the list of participating countries.</p> <p>NOTE: If the employer is seeking notification to multiple Ports of Entry or Pre-Flight Inspections (or requesting a change in the Port of Entry or Pre-Flight Inspections requested on Form I-129 that has already been approved), the employer should file Form I-824, Application for Action on an Approved Application or Petition, with appropriate fee, for each additional location that must be notified.</p> <p>Multiple locations. *****</p> <p>Naming Beneficiaries: *****</p>	<p>the same petition provided:</p> <ol style="list-style-type: none"> 1. They will all be employed for the same period of time; and 2. They will all perform the same services, receive the same training or participate in the same international cultural exchange program. <p>Exception: H-2A and H-2B petitions for workers from countries not listed on the respective "Eligible Countries List" should be filed separately. See www.uscis.gov for the list of H-2A and H-2B participating countries.</p> <p>[Delete "NOTE: If the employer..." section]</p> <p>Multiple locations *****</p> <p>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: 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.</p> <p>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.</p>
<p>Page 2: General Filing Instructions</p>	<p>General Filing Instructions</p> <p>Complete the basic form and any relating supplement. Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "N/A." If the answer is "none," write none.</p> <p>If you need extra space to answer any item, attach a sheet(s) of paper with your name and your Alien</p>	<p>General Filing Instructions</p> <ol style="list-style-type: none"> 1. Complete the basic form and any relating supplement. 2. Type or print legibly in blue or black ink. 3. If extra space is needed to complete any item, go to Part 10 Explanation Page, indicate the item number, and date and sign the sheet.

	<p>Registration Number(A#), if any, and indicate the number of the item to which the answer refers. You must file your petition with the required initial evidence. The petition must be properly signed and filed with the proper fee.</p> <p>NOTE: Submit the petition and all supporting documentation in duplicate if you would like the Department of State to be notified of the approval of this petition.</p>	<p>4. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."</p> <p>5. Submit a duplicate copy of the petition and all supporting documentation.</p>
<p>Page 2:</p> <p>Basis for Classification</p>	<p>Insert after section “General Filing Instructions”</p>	<p>Basis for Classification</p> <p>The following is an explanation of the choices listed on Page 2, Part 2, Item 2 of the Form I-129.</p> <p>a. New employment. Check this box if the beneficiary:</p> <p>(1) Is outside the U.S. and holds no classification,</p> <p>(2) Is to begin employment for new U.S. employer in a regardless of the nonimmigrant classification that the alien currently holds, OR</p> <p>(3) Will work for the <u>same</u> employer but in a different nonimmigrant classification.</p> <p>b. Continuation of previously approved employment without change with the same employer. Check this box if applying to continue the employment of the beneficiary in the same nonimmigrant classification the beneficiary currently holds and there has been no change to the employment.</p> <p>c. Change in previously approved employment. Check this box if there has been a non-material change to the previously approved employment such as a change in job title without a material change in job duties.</p> <p>d. New concurrent employment. Check this box if applying for a beneficiary to begin new employment with an <u>additional employer</u> in the same nonimmigrant classification the beneficiary currently holds while the beneficiary will continue working for his or her current employer in the same classification.</p> <p>e. Change of employer. Check this box if applying for a beneficiary to begin employment working for a <u>new employer</u> in the same nonimmigrant classification that the beneficiary currently holds.</p>

		<p>f. Amended Petition. Check this box if applying to notify USCIS of a material change in the terms or conditions of employment or training or the alien's eligibility as specified in the original approved petition (such as a change in primary job responsibilities or geographic location of the position). Additionally, petitioners requesting H-2A or H-2B substitutions should check this box</p> <p>Requested Action The following is an explanation of the types of action a petitioner/employer may choose for Page 2, Part 2, Item 4 of the Form I-129. Choose only one action.</p> <p>a. Notify the office in Part 4 so the person(s) can obtain a visa or be admitted. Check this box if the beneficiary is currently outside of the United States, or, if the alien is in the United States, he or she will leave the U.S. to obtain a visa/admission abroad.</p> <p>b. Change the person(s) status and extend their stay since the person(s) are all now in the U.S. in another status. Check this box if the beneficiary is currently in the United States in a different nonimmigrant classification and is applying to change to a new, nonimmigrant status.</p> <p>c. Extend the stay of the person(s) since they now hold this status. Check this box if the beneficiary is currently in the United States in a nonimmigrant classification and is requesting an extension of his or her stay in the <u>same</u> nonimmigrant classification.</p> <p>d. Amend the stay of the person(s) since they now hold this status. Check this box if the beneficiary is currently in the United States in the same nonimmigrant classification and filing the petition to notify 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>e. Extend the status of a nonimmigrant classification based on a Free Trade Agreement. Check this box if the beneficiary is currently in the United States based on a Free Trade Agreement (H-1B1 Chile/Singapore or TN classification) and is</p>
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		<p>requesting an extension of his or her stay in that same classification.</p> <p>f. Change status to a nonimmigrant classification based on a Free Trade Agreement. Check this box if the beneficiary is currently in the United States in a different nonimmigrant classification and is applying to change to a nonimmigrant classification based on a Free Trade Agreement (H-1B1 Chile/Singapore or TN classification).</p> <p>NAICS Code</p> <p>Page 5, Part 5, Item 3 requests the North American Industry Classification System (NAICS) Code. This code can be obtained from the U.S. Department of Commerce, Census Bureau (www.census.gov/epcd/www/naics.htm). 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>For example, the code sequences 33466 would be entered as:</p> <p>3 3 4 6 6 0 [Each number inside a separate box]</p> <p>The code sequences 5133 would be entered as:</p> <p>5 1 3 3 0 0 [Each number inside a separate box]</p>
<p>Page 4:</p> <p>Deemed Export Acknowledgement</p>	<p>Insert new text</p>	<p>Deemed Export Acknowledgement</p> <p>Certain H-1B, L-1 and O-1A nonimmigrant beneficiaries must have a Deemed Export License issued by the U.S. Department of Commerce to be eligible for the employment being sought through the submission of a Form I-129. The petitioner must submit evidence that a review of the deemed export license requirements has been completed, as set forth by Title 15, Code of Federal Regulations (CFR), Export Administration Regulations (EAR) Part 734.2 the Deemed Export Rule as regulated by the U.S. Department of Commerce. The EAR and guidance on deemed exports may be found at www.bis.doc.gov/deemedexports.</p> <p>You must indicate whether or not a deemed export license is required on Page 6, Part 7 of Form I-129.</p> <p>If a deemed export license is not required, indicate</p>

		<p>whether or not the technology is subject to the EAR. If the technology is subject to the licensing requirements of the EAR, identify the Export Control Classification Number (ECCN) of the technology the alien will have access to as a result of employment with your organization.</p> <p>If a deemed export license is required, provide a copy of the U.S. Department of Commerce approved license and document the license number.</p> <p>Indicate whether this was the result of a self-classification or formal U.S. Department of Commerce commodity classification (if so, provide Commodity Classification Automated Tracking System (CCATS) number).</p>
<p>Page 4:</p> <p>Classification - Initial Evidence</p>	<p>Classification - Initial Evidence</p> <p>These instructions are divided into two parts.</p> <ol style="list-style-type: none"> 1. The first part includes classifications requiring a petition for an initial visa or entry and any extension of stay or change of status. 2. The second part includes classifications requiring only a petition for an extension of stay or change of status. 	<p>Classification - Initial Evidence</p> <p>For all classifications, if a beneficiary is seeking a change of status or extension of stay, evidence of maintenance of status must be included with the new petition. If the beneficiary is employed in the U.S. the petitioner may submit copies of the last two paystubs and Form W-2, as well as a copy of the I-94 or I-797 approval notice.</p> <p>Dependent family members (generally, spouses and children under 21) should use Form I-539, Application to Change/Extend Nonimmigrant Status to apply for a change of status or extension of stay.</p> <p>A nonimmigrant who must have a passport to be admitted, must keep that passport valid during his or her entire stay. If a required passport is not valid, include a full explanation with your petition.</p> <p>The following nonimmigrants are not eligible to change status:</p> <ol style="list-style-type: none"> 1. An alien admitted under a visa waiver program; 2. An alien in transit (C) or in transit without a visa (TWOV); 3. A crewman (D); 4. A fiancé(e) (K-1) or his or dependent (K-2); 5. A J-1 exchange visitor whose status was for the purpose of receiving graduate medical training (unless a waiver has been granted under section 214(l) of the Immigration and Nationality Act); 6. A J-1 exchange visitor subject to the foreign residence requirement who has

		<p>not received a waiver of that requirement; and</p> <p>An M-1 student to an H classification, if training received as an M-1 helped him or her qualify for H classification.</p>
<p>Page 4:</p> <p>Petition always required</p>	<p>Petition always required</p> <p>The following classifications always require a petition.</p> <p>A petition for new or concurrent employment or for an extension where there is a change in previously approved employment must be filed with the initial evidence listed below, and with the initial evidence required by the separate instructions for a change of status or extension of stay.</p> <p>*****</p>	<p>PART 1: Petition Always Required</p> <p>*****</p> <p>The initial evidence listed below and the initial evidence listed under the instructions for a change of status or extension of stay must be included with a petition for a new or concurrent employment or for an extension where there is a change in previously approved employment.</p> <p>*****</p>
<p>Page 4:</p> <p><u>E-2 CNMI</u></p>	<p>New text <u>E-2 CNMI</u></p>	<p><u>E-2 CNMI</u></p> <p>An E-2 CNMI investor is an alien seeking to remain in the Commonwealth of Northern Mariana Islands (CNMI) under lawful immigration status in order to maintain an investment in the CNMI that was approved by the CNMI government prior to November 28, 2009. An E-2 CNMI investor classification is a classification specifically limited to an alien investor who has previously been granted a qualifying long term investor status under the laws of the CNMI. This classification allows an alien who currently holds the qualifying CNMI investor status granted by the CNMI government the ability to maintain an investment in the CNMI during the transition from CNMI immigration law to Federal immigration law. Nationality of the investor is not a qualifying factor in the issuance of an E-2 CNMI investor classification.</p> <p>Write E2C in the classification requested block.</p> <p>The petition must be filed with documentary evidence of:</p> <ol style="list-style-type: none"> 1. Qualifying CNMI immigration status as evidenced by a properly endorsed, unexpired CNMI admission document (e.g., entry permit, certificate, or foreign investor visa) reflecting lawful admission to the CNMI under CNMI immigration laws in one of the following status:

		<p>(a) Long-term business investor status as evidenced by a Long-Term Business Certificate;</p> <p>(b) Foreign investor status as evidenced by a Foreign Investment Certificate;</p> <p>(c) Retiree investor status as evidenced by a Foreign Retirees Investment Certification or a Foreign Retiree Investment Certificate.</p> <p>2. Maintaining investment, including but not limited to copies of an approval letter issued by the CNMI government; evidence that the capital has been invested; evidence that the applicant has invested at least the minimum amount required; and the following, depending on the type of investor:</p> <p>A. For a holder of a foreign investment or long-term business certificate: copies of annual reports of investment activities in the CNMI containing sufficient information to determine whether the certificate holder is under continuing compliance with the standards of issuance, accompanied by annual financial audit reports performed by an independent certified public accountant;</p> <p>B. For a retiree investor: evidence that he or she has an interest in property in the CNMI (e.g. lease agreement), evidence of the value of the property interest (e.g. an appraisal regarding the value of the property), and, as applicable, evidence of the value of the improvements on the property (e.g. receipts or invoices of the costs of construction, the amount paid for preexisting structure, or an appraisal of the improvements).</p>
<p>Page 5:</p> <p><u>H-1B</u></p>	<p><u>H-1B</u></p> <p>*****</p> <p>5. A copy of any written contract between you and the alien or a summary of the terms of the oral agreement under which the alien will be employed.</p> <p>An H-1B is also an alien coming 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><u>H-1B (3 Types)</u></p> <p>*****</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. Attestation Regarding 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 (a “third party” work site) must complete and sign the attestation on page 20, relating to: a)</p>

	<p>*****</p> <p>An H-1B is also a fashion model, who has national or international acclaim and recognition, coming to be employed in a position requiring such a level of acclaim and recognition.</p> <p>*****</p>	<p>prevailing rate of pay; b) the beneficiary's acceptance of the terms and condition of the H-1B job offer, including job location and/or possible relocation; and c) assurance that all assignments will comply with the employment described in the H-1B petition, and applicable statute and regulations governing the H-1B nonimmigrant classification.</p> <p>Additionally, submit an itinerary that shows the dates and places of assignment.</p>
<p>Page 6:</p> <p>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement</p>	<p>H-1B and H-1B1 Data Collection and Filing Fee Exemption</p> <p>Who is required to file? A U.S. employer seeking to classify an alien as an H-1B or H-1B1 Free Trade Nonimmigrant worker must file this supplement concurrently with Form I-129 and the appropriate fee. (See "What is the Filing Fee?" for additional information regarding the appropriate fee.)</p> <p>Completing Part A of the Supplement Form.</p> <p>All U.S. employers seeking to classify an alien as an H-1B or H-1B1 Free Trade Nonimmigrant worker must answer all of the questions in the "Employer Information" Section.</p> <p>1. H-1B Dependent employer. *****</p> <p>2. Willful Violators. *****</p> <p>3. Exempt H-1B nonimmigrant. *****</p> <p>4. TARP funding. TARP funding refers to receipt of funds described in the Employ American Workers Act (sec. 1611 of Div. A, Title XVI of Public Law 111-5).</p> <p>5. Highest education level. Place an "X" in the appropriate box of Part A, Number 3 ("a" through "i") of the supplement form that is most closely</p>	<p>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement</p> <p>An employer seeking to classify a beneficiary in H-1B classification (including H-1B1 Free Trade aliens from Chile and Singapore) must file this supplement. It is used to collect additional information about the H-1B employer and beneficiary. It is also used to determine the appropriate American Competitiveness and Workforce Improvement Act (ACWIA) fee and whether the beneficiary is subject to the H-1B numerical limitation (aka the H-1B Cap). The ACWIA fee may not be assessed to the beneficiary.</p> <p>Who is required to submit this supplement? A U.S. employer seeking to classify a beneficiary as an H-1B or H-1B1 Free Trade Nonimmigrant worker must file this supplement concurrently with Form I-129 and the appropriate fee. (See "What is the Filing Fee?" for additional information regarding the appropriate fee.)</p> <p>Completing Part A of the Supplement Form.</p> <p>All U.S. employers seeking to classify a beneficiary as an H-1B or H-1B1 Free Trade Nonimmigrant worker must answer all of the questions in the "Employer Information" Section.</p> <p>1. H-1B Dependent employer. *****</p> <p>2. Willful Violators. *****</p> <p>3. Exempt H-1B nonimmigrant. *****</p> <p>4. TARP funding. TARP funding refers to receipt of funds described in the Employ American Workers Act (sec. 1611 of Div. A,</p>

	<p>related to the highest formal education level attained by the beneficiary. DO NOT consider work experience in determining the beneficiary's equivalency.</p> <p>6. Major/Primary field of study. Use the beneficiary's degree transcripts to determine the primary field of study. Once the beneficiary's major is determined, fill in the boxes with one character per box; 30 characters maximum. Do not consider work experience to determine the beneficiary's major education level.</p> <p>7. Master's or higher degree from a U.S. institution of higher education. *****</p> <p>8. Rate of pay per year. *****</p> <p>9. LCA Code. The LCA Code is a three-digit occupational group for professional, technical, and managerial occupations and fashion models that can be obtained from Appendix 2 of the Dictionary of Occupational Titles printed on U.S. Department of Labor ETA Form 9035, Labor Condition Application for H-1B Nonimmigrant.</p> <p>10. NAICS Code. -----</p> <p>Completing Part B of the Supplemental Form.</p> <p>A U.S. employer seeking an exemption from the \$1,500 or \$750 filing fee must complete Part B. A U.S. employer is exempt from payment of the additional \$1,500 or \$750 filing fee if:</p> <p>1. The employer is an institution of higher education as defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. section 1001 (a); or</p>	<p>Title XVI of Public Law 111-5).</p> <p>5. Highest education level. Place an "X" in the appropriate box of Part A, Number 2 of the supplement form that is most closely related to the highest formal education level attained by the beneficiary. DO NOT consider work experience in determining the beneficiary's equivalency.</p> <p>6. Major/Primary field of study. Use the beneficiary's degree transcripts to determine the primary field of study. Do not consider work experience to determine the beneficiary's major education level.</p> <p>7. Master's or higher degree from a U.S. institution of higher education. *****</p> <p>8. Rate of pay per year. *****</p> <p>9. 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 Web site (www.uscis.gov).</p> <p>[Delete NAICS Code]</p> <p>Completing Part B of the Supplemental Form.</p> <p>The petitioner must complete Part B to determine whether the petitioner must pay the ACWIA fee (\$1,500 or \$750, depending on the number of workers employed by the petitioner). The petitioner is exempt from payment of the ACWIA fee if it is at least one of the following:</p> <p>1. The employer is an institution of higher education as defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. section 1001 (a);</p> <p>2. The employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education. Institutions of higher education are defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C., section</p>
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	<p>2. The employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education. Institutions of higher education are defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C., section 1001(a). Such a nonprofit organization or entity includes but is not limited to hospitals and medical research institutions.</p> <p>"Related to" or "affiliated with" means the entity is:</p> <p>A. Connected or associated with the institution of higher education through shared ownership or control by a board or federation operated by the institution of higher education, or</p> <p>B. Attached to the institution of higher education as a member, branch, cooperative or subsidiary.</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." 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); 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; or</p> <p>C. A Government research organization is a U.S. Federal Government entity whose primary mission is the performance or promotion of basic research and/or applied research.</p> <p>4. This petition is the second or subsequent request for an extension of</p>	<p>1001(a). Such a nonprofit organization or entity includes, but is not limited to, hospitals and medical research institutions;</p> <p>NOTE: "Related to" or "affiliated with" means the entity is:</p> <p>A. Connected or associated with the institution of higher education through shared ownership or control by a board or federation operated by the institution of higher education, or</p> <p>B. Attached to the institution of higher education as a member, branch, cooperative or subsidiary.</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: "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); 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; or</p> <p>C. Is a Government research organization that is a U.S. Federal Government entity whose primary mission is the performance or promotion of basic research and/or applied research.</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>5. This petition is an amended petition that does not contain any requests for extension of stay filed by the employer;</p> <p>6. This petition is being filed to correct a USCIS error;</p>
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	<p>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; or</p> <p>5. This petition is an amended petition that does not contain any requests for extension of stay filed by the employer; or</p> <p>6. This petition is to correct a USCIS error; or</p> <p>7. The employer is a primary or secondary education institute; or</p> <p>8. The employer is a nonprofit entity which engages in an established curriculum-related clinical training or students register at the institution.</p> <p>What evidence is required under Part B? *****</p> <p>Completing Part C of the Supplemental Form.</p> <p>All U.S. employers must complete Part C even if they are not claiming the fee exemption in Part B.</p>	<p>7. The employer is a primary or secondary education institute;</p> <p>8. The employer is a nonprofit entity which engages in an established curriculum-related clinical training or students register at the institution.</p> <p>What evidence is required under Part B?</p> <p>Petitioners claiming exemption from payment of the \$1,500 or \$750 filing fee must submit a statement describing why the organization or entity is exempt from the filing fee.</p> <p>Completing Part C of the Supplemental Form</p> <p>All petitioners must complete Part C to determine whether the beneficiary is subject to the H-1B cap.</p> <p>Public Law 110-229 provides that nonimmigrant workers admitted to Guam or the CNMI and who will perform work in Guam or the CNMI are exempt from the statutory caps for the H visa programs. The Form I-129 H Classification Supplement and H-1B Data Collection and Filing Fee Exemption Worksheet require employers to indicate whether they are filing on behalf of beneficiaries subject to this cap exemption</p>
Page 8: <u>H-1C</u>	<p>Insert "<u>H-1C</u>" before "<u>H-2A</u>" section</p>	<p><u>H-1C</u></p> <p>An H-1C is an alien coming temporarily to perform services as a registered nurse at a qualifying healthcare facility. This classification expired on December 20, 2009.</p> <p>Write H-1C in the classification requested block on the petition.</p> <p>Petitioners should complete and sign relevant sections of the H Classification Supplement and additionally submit evidence that the beneficiary:</p> <p>1. Has obtained a health care worker certification or certified statement, in accordance with section 212(a)(5)(c) of the INA, from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or another approved</p>

		<p>credentialing organization;</p> <ol style="list-style-type: none"> 2. Has obtained a full and unrestricted license to practice nursing in the country where the alien obtained nursing education, or has received nursing education in the United States; 3. Has passed the examination by the CGFNS, or has obtained a full and unrestricted (permanent) license to practice as a registered nurse in the State of intended employment, or has obtained a full and unrestricted (permanent) license in any State or territory of the United States and received temporary authorization to practice as a registered nurse in the State of intended employment; 4. Is fully qualified and eligible under the laws governing the place of intended employment to practice as a registered nurse immediately upon admission to the United States (including such temporary or interim licensing requirements which authorize employment), and is authorized under such laws to be employed by the employer. For purposes of this paragraph, the temporary or interim licensing may be obtained immediately after the alien enters the United States; and 5. Will be authorized by a State Board of Nursing to engage in registered nurse practice in a State or U.S. territory and will be practicing in a facility which provides health care services. 6. The following must also be submitted: <ol style="list-style-type: none"> A. A current copy of the U.S. Department of Labor's notice of acceptance of the filing of its attestation on Form ETA 9081; and B. A statement describing any limitations that the laws of the state or jurisdiction of intended employment place on each beneficiary's services. C. Evidence that each beneficiary's name on the petition meets the definition of a registered nurse as defined in 8 CFR 214.2(h)(3)(i)(A) and satisfies the requirements contained in Section 212(m)(1) of the Act. D. The employment contract. E. Evidence of each beneficiary's previously
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		<p>granted classification in the past three years if he or she was in the United States during this time.</p> <p>Completing Section 2 of the H Classification Supplement to the Form I-129.</p> <p>All petitioners seeking workers in H-1C classification must complete Section 2 of the H Classification Supplement to Form I-129 (pages 12 – 17 of the form).</p>
<p>Page 8: H-2A</p>	<p><u>H-2A</u></p> <p>An H-2A is an alien coming temporarily to engage in temporary or seasonal agricultural employment.</p> <p>-----</p> <p>The petition must be filed by a U.S. employer or an association of U.S. agricultural producers named as a joint employer on the certification. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A single, valid temporary labor certification; and 2. Copies of evidence showing that each named alien met the minimum job requirements stated in the certification at time the application was filed. 	<p>H-2A</p> <p>An H-2A is an alien coming temporarily to perform agricultural labor or services of a temporary or seasonal nature.</p> <p>*****</p> <p>The petition must be filed by a U.S. employer or its U.S. agent, or an association of U.S. agricultural producers named as a joint employer on the temporary labor certification. The petitioner, or employer (if different from the petitioner), and each joint employer must complete and sign relevant sections of the H Classification Supplement and additionally submit the following evidence:</p> <ol style="list-style-type: none"> 1. A single, valid temporary labor certification*, and 2. Copies of evidence showing that each named beneficiary meets the minimum job requirements stated in the certification at the time the labor certification application was filed. <p>*NOTE: 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).</p>
<p>Page 9: <u>H-2B</u></p>	<p><u>H-2B</u></p> <p>An H-2B is an alien coming temporarily to engage in non-agricultural employment that is seasonal, intermittent, peak load, or a one-time need.</p> <p>Write H-2B in the classification block on the petition.</p>	<p><u>H-2B</u></p> <p>An H-2B is an alien coming temporarily to engage in temporary nonagricultural services or labor that is based on the employer's seasonal, intermittent, peakload, or one-time need.</p> <p>Write H-2B in the classification block on the petition.</p>

	<p>The petition must be filed by a U.S. employer with:</p> <ol style="list-style-type: none"> 1. A temporary labor certification from the U.S. Department of Labor, or the Governor of Guam if the proposed employment is solely in Guam, stating that qualified U.S. workers are not available and that the employment of the alien workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.; and 2. Copies of evidence, such as employment letters and training certificates, showing that each named alien met the minimum job requirements states in the certification at the time the application was filed. <p>NOTE: Employers filing H-2B petitions for employment to commence on or after October 1, 2005, must submit an additional fee of \$150. The Save Our Small and Seasonal Businesses Act of 2005 authorized this \$150 Fraud Prevention and Detection Fee.</p>	<p>The petition must be filed by a U.S. employer, a U.S. agent, or a foreign employer filing through a U.S. agent. The petitioner must complete and sign relevant sections of the H Classification Supplement and additionally submit the following evidence:</p> <ol style="list-style-type: none"> 1. A temporary labor certification* from the U.S. Department of Labor, or the Governor of Guam (if the proposed employment is solely in Guam); and 2. If applicable, copies of evidence showing that each named beneficiary meets the minimum job requirements stated on the temporary labor certification (such as employment letters and training certificates, etc.). <p>NOTE: Petitions filed on behalf of Canadian musicians who will be performing for one month or less within 50 miles of the U.S.-Canadian border do not require a temporary labor certification.</p>
<p><u>Page 9:</u></p> <p><u>H-3 (Two types)</u></p>	<p><u>H-3 (Two types)</u></p> <p>An H-3 is an alien coming temporarily to participate in a special education training program in the education of children with physical, mental, or emotional disabilities.</p> <p>-----</p> <p>Custodial care of the children must be incidental to the training program. The petition must be filed by the U.S. employer with:</p> <ol style="list-style-type: none"> 1. A description of the training, staff, and facilities; evidence that the program meets the above conditions, and details of the alien's participation in the program; and 2. Evidence showing that the alien is 	<p><u>H-3 (Two types)</u></p> <p>An H-3 is an alien coming temporarily to participate in a special education exchange visitor program in the education of children with physical, mental, or emotional disabilities.</p> <p>Write H-3 in the classification block on the petition.</p> <p>Any custodial care of the children must be incidental to the training program. The petition must be filed by the U.S. employer, which must be a facility which has professionally trained staff and a structured program for providing education to children with disabilities and for providing training and hands-on experience to participants in the special education exchange visitor program. The petition must contain:</p> <ol style="list-style-type: none"> 1. A description of the training, staff, facilities; evidence that the program meets the above conditions; and details of the beneficiary's

	<p>nearing completion of a baccalaureate degree in special education, or already holds such a degree, or has extensive prior training and experience in teaching children with physical, mental, or emotional disabilities.</p> <p>An H-3 is also an alien coming temporarily to receive training from an employer in any field other than graduate education or training.</p> <p>Write H-3 in the classification block on the petition.</p> <p>The petition must be filed with:</p> <ol style="list-style-type: none"> 1. A detailed description of the structured training program, including the number of classroom hours per week and the number of hours of on-the-job training per week; 2. A summary of the prior training and experience of each beneficiary in the petition; and 3. An explanation stating why the training is required, whether similar training is available in the alien's country, how the training will benefit the alien in pursuing a career abroad, and why the petitioner will incur the cost of providing the training without significant productive labor. 	<p>participation in the program; and</p> <ol style="list-style-type: none"> 2. Evidence showing that the beneficiary is nearing completion of a baccalaureate degree in special education, or already holds such a degree, or has extensive prior training and experience in teaching children with physical, mental, or emotional disabilities. <p>An H-3 is also an alien who is coming temporarily to receive training from an employer in any field other than graduate medical education or training.</p> <p>Write H-3 in the classification block on the petition.</p> <p>The petition must be filed with:</p> <ol style="list-style-type: none"> 1. A detailed description of the structured training program, including the number of classroom hours per week and the number of hours of on-the-job training per week; 2. A summary of the prior training and experience of each beneficiary in the petition; and 3. An explanation stating why the training is required, whether similar training is available in the beneficiary's country, how the training will benefit the beneficiary in pursuing a career abroad, the source of any remuneration the trainee will receive and any benefit the petitioner will obtain by providing the training.
<p>Page 9: <u>L-1</u> (2 Types)</p>	<p><u>L-1A</u></p> <p>Write L-1A in the classification requested block on the petition.</p> <p>An L-1A is an alien coming temporarily to perform services in a managerial or executive capacity for the same corporation or firm, or for the branch, subsidiary, or affiliate of the employer who employed him or her abroad for one continuous year</p>	<p><u>L-1</u> (2 Types)</p> <p>An L-1A is an alien coming temporarily to perform services in a managerial or executive capacity for the same employer (or for the parent, branch, subsidiary, or affiliate of the employer) that employed the alien abroad in a capacity that was managerial or executive in nature, or one that required specialized knowledge, for at least one continuous year within the last three years.</p>

	<p>within the three-year period (six months within the previous three years if the employer is eligible and has filed for a blanket L-1 approval meets the requirements for expedited processing), immediately preceding the filing of the petition, in an executive, managerial, or specialized knowledge capacity.</p> <p><u>L-1B</u></p> <p>Write L-1B in the classification requested block on the petition.</p> <p>An L-1B is an alien coming temporarily to perform services that entail specialized knowledge for the same corporation or firm, or for the branch, subsidiary, or affiliate of the employer that employed him or her abroad for one continuous year within the three-year period (six months within the previous three years if the employer is eligible and has filed for a blanket L-1 approval and meets the requirements for expedited processing), immediately preceding the filing of the petition, in an executive, managerial, or specialized knowledge capacity. Specialized Knowledge is special knowledge for the employer's product or its application in international markets or an advanced level of the knowledge of the employer's processes and procedures.</p> <p><u>L Petition Requirements</u></p> <p>A U.S. employer or foreign employer must file the petition, but a foreign employer must have a legal business entity in the United States. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. Evidence of the qualifying relationship between the U.S. and foreign employer based on ownership and control, such as an annual report, articles of incorporation, financial statements, or copies of stock certificates; 2. A letter from the alien's foreign 	<p>Write L-1A in the classification requested block on the petition.</p> <p>A U.S. employer or foreign employer may file the petition, but the foreign employer must have a legal business entity in the United States and be petitioning for the beneficiary to open a new office in the United States.</p> <p>An L-1B is an alien coming temporarily to perform services that require specialized knowledge for the same employer (or for the parent, branch, subsidiary, or affiliate of the employer) that employed the alien abroad (in a managerial, executive or specialized knowledge capacity) for at least one continuous year within the last three-years. Specialized knowledge is special knowledge of the petitioning employer's product, service, research, equipment, techniques, management, or other interests and its application in international markets, or an advanced level of knowledge or expertise in the employing organization's processes or procedures.</p> <p>Write L-1B in the classification requested block on the petition.</p> <p>General L Classification Requirements</p> <p>Either the U.S. or foreign employer may file the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. Evidence establishing the existence of the qualifying relationship between the U.S. and foreign employer based on ownership and control, such as: an annual report, articles of incorporation, financial statements, or copies of stock certificates; NOTE: Whether such evidence will be sufficient to meet the petitioner's burden of establishing such a qualifying relationship will depend on the quality and probativeness of the evidence submitted. 2. A letter from the beneficiary's foreign qualifying employer detailing his or her dates of employment, job duties, qualifications, and salary; and <p>A description of the proposed job duties and qualifications, and evidence showing that the proposed employment is in an executive, managerial, or specialized knowledge capacity.</p>
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	<p>qualifying employer detailing his or her dates of employment, job duties, qualifications, and salary; and</p> <p>3. A description of the proposed job duties and qualifications, and evidence showing that the proposed employment is in an executive, managerial, or specialized knowledge capacity.</p> <p>If the alien is coming to the United States to open a new office, also file the petition with copies of evidence showing that the business entity is located in the United States; and</p> <p>1. Already has sufficient premises to house the new office;</p> <p>2. Has or upon establishment will have the qualifying relationship to the foreign employer; and</p> <p>3. Has the financial ability to remunerate the alien and to begin doing business in the United States, including evidence about the size of the U.S. investment, the organizational structure of both firms, the financial size and condition of the foreign employer, and, if the alien is coming as an L-1 manager or executive to open a new office, such evidence must establish that the intended U.S. operation will support the executive or managerial position within one year.</p> <p><u>Blanket L Petition</u></p> <p>An L blanket petition simplifies the process of later filing for individual L-1A workers and L-1B workers who are specialized knowledge professionals employed in petitions that require the theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation and also requiring completion of a specific course of education, culminating in a baccalaureate degree in a specific occupational specialty.</p>	<p>Evidence for a New Office</p> <p>If the beneficiary is coming to the United States to open a new office, additional evidence must be submitted to show the employer:</p> <ol style="list-style-type: none"> 1. Already has sufficient premises to house the new office; 2. Has or will have the required qualifying relationship to the foreign employer; 3. Has the financial ability to remunerate the beneficiary and to begin doing business in the United States including evidence regarding the: <ul style="list-style-type: none"> A. Size of the U.S. investment; B. Organizational structure of both firms; C. Financial size and condition of the foreign employer; <p>If the petition is requesting L-1A classification, evidence to establish the intended U.S. operation will be capable of supporting the executive or managerial position within one year.</p> <p>L Blanket Petitions</p> <p>An L Blanket petition simplifies the petitioning process for employers that seek L-1 workers on a continual basis by obtaining advance approval from USCIS that the requisite intracompany relationship exists. In obtaining an L Blanket petition, a qualified employer may file for any number of L-1A aliens and L-1B specialized knowledge professionals.</p> <p>Write LZ in the classification requested block. Do not include an individual employee on the petition.</p> <p>Submit evidence to establish that the employer (including its branches, subsidiaries, and/or affiliates):</p> <ol style="list-style-type: none"> 1. Is engaged in commercial trade or services; 2. Has an office in the United States that has been doing business for one year or more; 3. Has three or more domestic and foreign branches, subsidiaries, or affiliates, and 4. (A) Has obtained approved petitions for at least 10 L-1A managers or executives or L-1B specialized knowledge professional workers in the past 12 months; (B) has U.S. subsidiaries or affiliates with combined annual sales of at least
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	<p>A blanket L petition must be filed by a U.S. employer who will be the single representative between USCIS and the qualifying organizations.</p> <p>Write LZ in the classification requested block. Do not name an individual employee. File the petition with copies of evidence showing that:</p> <ol style="list-style-type: none"> 1. You and your branches, subsidiaries, and affiliates are engaged in commercial trade or services; 2. You have an office in the United States that has been doing business for one or more; 3. You have three or more domestic and foreign branches, subsidiaries, or affiliates; and 4. You and your qualifying organizations have obtained approved petitions for at least 10 “L” managers, executives, or specialized knowledge professionals during the previous 12 months or have U.S. subsidiaries or affiliates with combined annual sales of at least \$25 million; or 5. You have a U.S. workforce of at least 1,400 employees. <p>After approval of a blanket petition, you may file for individual employees to enter as an L-1A alien or L-1B specialized knowledge professional under the blanket petition. If the alien is outside the United States, file Form I-129S, Nonimmigrant Petition Based on Blanket L Petition. If the alien is ready in the United States, file Form I-129 to request a change of status based on this blanket petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A copy of the USCIS approval notice for the blanket petition; 2. A letter from the alien’s foreign qualifying employer detailing his or her dates of employment, job duties, qualifications, and salary for the three previous years; and 	<p>\$25 million; or (C) has a U.S. workforce of at least 1,000 employees.</p> <p>After approval of an L Blanket petition, the employer may file for individual employees to enter as either L-1A workers or L-1B specialized knowledge professionals under the L Blanket petition. If the beneficiary is outside the United States, file a Form I-129S, Nonimmigrant Petition Based on Blanket L Petition. If the beneficiary is already lawfully in the United States and is otherwise eligible for a change of nonimmigrant status to L-1A or L-1B, file a Form I-129 to request a change of status based on the blanket petition with the following:</p> <ol style="list-style-type: none"> 1. A copy of the USCIS approval notice for the blanket petition; 2. A letter from the beneficiary’s foreign qualifying employer detailing his or her dates of employment, job duties and qualifications and salary for the previous 3 years, or, in the case of a beneficiary who is currently lawfully employed by a qualifying organization in the United States,, a letter detailing the above with respect to the 3-year period prior to the beneficiary’s lawful admission to the United States, and establishing that the beneficiary has been continuously employed lawfully by a qualifying organization since such time of lawful admission to the United States; 3. Evidence that the beneficiary has been lawfully employed by the petitioning organization since arriving in the United States, and 4. If the beneficiary is a specialized knowledge professional, evidence of that he or she has earned U.S. degree or foreign degree equivalent to a U.S. degree.
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	<p>3. If the alien is specialized knowledge professional, a copy of a U.S. degree or a foreign degree equivalent to a U.S. degree.</p>	
<p>Page 10: <u>O1-A</u></p>	<p><u>O-1A</u></p> <p>An O-1A is an alien coming temporarily who has extraordinary ability in the sciences, education, business or athletics (not including the arts, motion picture, or television industry).</p> <p>Write O-1A in the classification block on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation with a peer group or labor management organization with expertise in the field. <p>If the above item cannot be obtained the consultation can be from a person of your (the employer's) choosing with expertise in the alien's area of ability (see General Evidence);</p> <ol style="list-style-type: none"> 2. A copy of any written contract between you (the employer) and the alien or a summary of the terms of the oral agreement under which the alien will be employed; 3. An explanation of the nature of the events or activities, the beginning and ending dates for the events or activities, and a copy of any itinerary for the events and activities; and 4. Evidence of the alien's extraordinary ability, such as receipt of major awards or prizes, major published material by the alien or relating to the alien's work, evidence of the alien's contributions to the field, evidence of the alien's original scholarly work or contributions to the field, evidence of the alien's high salary within the field, evidence that the alien participated on a panel that judges the work of others in the field or evidence of the alien's prior employment in one or more critical capacities. 	<p><u>O-1A</u></p> <p>An O-1A is an alien coming temporarily who has extraordinary ability in the sciences, education, business or athletics (not including the arts, motion picture, or television industry).</p> <p>Write O-1A in the classification block on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation with a peer group or labor management organization with expertise in the field. <p>If the above item cannot be obtained the consultation can be from a person of the employer's choosing with expertise in the beneficiary's area of ability (see General Evidence);</p> <ol style="list-style-type: none"> 2. A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed; 3. An explanation of the nature of the events or activities, the beginning and ending dates for the events or activities, and a copy of any itinerary for the events and activities; and 4. Evidence of the beneficiary's extraordinary ability, such as receipt of major awards or prizes, major published material by the beneficiary or relating to the beneficiary's work, evidence of the beneficiary's contributions to the field, evidence of the beneficiary's original scholarly work or contributions to the field, evidence of the beneficiary's high salary within the field, evidence that the beneficiary participated on a panel that judges the work of others in the field or evidence of the beneficiary's prior employment in one or more critical capacities. <p>NOTE: If the preceding forms of evidence do not readily apply to the beneficiary's field of endeavor, you may submit other comparable evidence.</p>

	<p>NOTE: If the preceding forms of evidence do not readily apply to the alien's field of endeavor, you may submit other comparable evidence.</p>	
<p>Page 11: <u>O-1B</u></p>	<p><u>O-1B</u></p> <p>An O-1B is an alien coming temporarily who has extraordinary ability in the arts or extraordinary achievement in the motion picture or television industry.</p> <p>Write O-1B in the classification block on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation from a peer group or person of your (the employer's) choosing with expertise in the alien's area of ability (see General Evidence). If the petition is based on the alien's extraordinary achievement in the motion picture or television industry, separate consultations are required from the relevant labor and management organizations; 2. A copy of any written contract between you (the employer) and the alien or a summary of the terms of the oral agreement under which the alien will be employed; 3. Evidence that the alien has received or been nominated for significant national or international awards or prizes in the field, such as an Academy Award, Emmy, Grammy, or Director's Guild Award, or at least three of the following: <ol style="list-style-type: none"> A. Evidence that the alien has performed or will perform as a lead or starring participant in productions or events that have a distinguished reputation; B. Evidence that the alien has achieved national or international recognition for achievements in the field; 	<p><u>O-1B</u></p> <p>An O-1B is an alien coming temporarily who has extraordinary ability in the arts or extraordinary achievement in the motion picture or television industry.</p> <p>Write O-1B in the classification block on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation from a peer group or person of the employer's choosing with expertise in the beneficiary's area of ability (see General Evidence). If the petition is based on the beneficiary's extraordinary achievement in the motion picture or television industry, separate consultations are required from the relevant labor and management organizations; 2. A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed; 3. Evidence that the beneficiary has received or been nominated for significant national or international awards or prizes in the field, such as an Academy Award, Emmy, Grammy, or Director's Guild Award, or at least three of the following: <ol style="list-style-type: none"> A. Evidence that the beneficiary has performed or will perform as a lead or starring participant in productions or events that have a distinguished reputation; B. Evidence that the beneficiary has achieved national or international recognition for achievements in the field; C. Evidence that the beneficiary has a record of major commercial or critically acclaimed successes, as evidenced by ratings, box office receipts, etc.; D. Evidence that the beneficiary has received

	<p>C. Evidence that the alien has a record of major commercial or critically acclaimed successes, as evidenced by ratings, box office receipts, etc.;</p> <p>D. Evidence that the alien has received significant recognition from organizations, critics, government agencies, or other recognized experts;</p> <p>E. Evidence that the alien commands or will command a high salary or other remuneration for services in relation to others in the field; or</p> <p>F. Evidence that the alien has performed in a lead or starring role for organizations that have a distinguished reputation.</p> <p>NOTE: If the preceding forms of evidence to not readily apply to the alien's field of endeavor, you may submit other comparable evidence.</p>	<p>significant recognition from organizations, critics, government agencies, or other recognized experts;</p> <p>E. Evidence that the beneficiary commands or will command a high salary or other remuneration for services in relation to others in the field; or</p> <p>F. Evidence that the beneficiary has performed in a lead or starring role for organizations that have a distinguished reputation.</p> <p>NOTE: If the preceding forms of evidence to not readily apply to the beneficiary's field of endeavor, you may submit other comparable evidence.</p>
<p>Page 12: <u>P-1A or P-1</u> <u>Major</u> <u>League</u> <u>Sports</u></p>	<p><u>P-1A</u></p> <p>A P-1A is an alien coming 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.</p> <p>P-1 Major League Sports classification covers major league athletes, minor league sports, and any affiliates associated with the major leagues in baseball, hockey, soccer, basketball, and football. Support personnel includes: coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters.</p> <p>Write P-1A in the classification block on the petition. The petition must be submitted with:</p> <p>1. A written consultation (see General Evidence) with an</p>	<p><u>P-1A or P-1 Major League Sports</u></p> <p>A P-1A is an alien coming 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.</p> <p>P-1 Major League Sports classification is for major league athletes, minor league sports, and any affiliates associated with the major leagues in baseball, hockey, soccer, basketball, and football. Support personnel includes: coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters.</p> <p>Write P-1A in the classification block on the petition. The petition must be submitted with:</p> <p>1. A written consultation (see General Evidence) with an appropriate labor organization;</p> <p>2. A copy of the contract with a major U.S. sports league or team or contract in an individual sport commensurate with national or international recognition in the sport, if such</p>

	<p>appropriate labor organization;</p> <p>2. A copy of the contract with a major U.S. sports league or team or contract in an individual sport commensurate with national or international recognition in the sport, if such contracts are normally utilized in the sport; and</p> <p>3. Evidence of at least two of the following:</p> <p>A. Substantial participation in a prior season with a major U.S. sports league;</p> <p>B. Participation in international competition with a national team;</p> <p>C. Substantial participation in a prior season for a U.S. college or university in intercollegiate competition;</p> <p>D. A written statement from an official of a major U.S. sports league or official of the governing body for a sport that details how the alien or team is internationally recognized;</p> <p>E. That the individual or team is ranked, if the sport has international rankings; or</p> <p>F. That the alien or team has received a significant honor or award in the sport.</p>	<p>contracts are normally utilized in the sport; and</p> <p>3. Evidence of at least two of the following:</p> <p>A. Substantial participation in a prior season with a major U.S. sports league;</p> <p>B. Participation in international competition with a national team;</p> <p>C. Substantial participation in a prior season for a U.S. college or university in intercollegiate competition;</p> <p>D. A written statement from an official of a major U.S. sports league or official of the governing body for a sport that details how the alien or team is internationally recognized;</p> <p>E. That the beneficiary or team is ranked, if the sport has international rankings; or</p> <p>F. That the beneficiary or team has received a significant honor or award in the sport</p>
<p>Page 12: <u>P-1B</u> <u>Entertainer</u> <u>or</u> <u>Entertainment Group</u></p>	<p><u>P-1B</u></p> <p>A P-1B is an alien entertainer coming temporarily to perform as a member of a foreign-based entertainment group that has been recognized internationally as outstanding in the discipline for a substantial period of time, and who has had a substantial period of time, and who has had a sustained relationship (ordinarily for at least one year) with the group.</p> <p>Write P-1B in the classification block</p>	<p><u>P-1B Entertainer or Entertainment Group</u></p> <p>A P-1B is an alien entertainer coming temporarily to perform as a member of a foreign-based entertainment group that has been recognized internationally as outstanding in the discipline for a substantial period of time, and who has had a substantial period of time, and who has had a sustained relationship (ordinarily for at least one year) with the group.</p> <p>Write P-1B in the classification block on the petition. The petition must be submitted with:</p>

	<p>on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization); 2. Evidence that the alien or group is internationally recognized in the discipline as demonstrated by the submission of evidence of the group's receipt or nomination for significant international awards or prizes for outstanding achievement, or evidence of at least three of the following: <ol style="list-style-type: none"> A. The alien or group has performed or will perform as a starring or leading group in productions or events with a distinguished reputation; B. The alien or group has achieved international recognition and acclaim for outstanding achievement in the field; C. The alien or group has a record of major commercial or critically acclaimed success; D. The alien or group has received significant recognition for achievements from critics, organizations, government agencies, or other recognized experts in the field; or E. The alien or group commands a high salary or other substantial remuneration for services compared to other similarly situated in the field. <p>NOTE:</p> <ol style="list-style-type: none"> 1. By filing for a P-1 group, the petitioner certifies that the group has been established and performing regularly for a period of at least one year, and that at least 75 percent of the members of the group have been performing with the group for at least one year. This one-year period requirement does not apply to circus groups coming to perform with nationally recognized circuses. 	<ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization); 2. Evidence that the beneficiary or group is internationally recognized in the discipline as demonstrated by the submission of evidence of the group's receipt or nomination for significant international awards or prizes for outstanding achievement, or evidence of at least three of the following: <ol style="list-style-type: none"> A. The beneficiary or group has performed or will perform as a starring or leading group in productions or events with a distinguished reputation; B. The beneficiary or group has achieved international recognition and acclaim for outstanding achievement in the field; C. The beneficiary or group has a record of major commercial or critically acclaimed success; D. The beneficiary or group has received significant recognition for achievements from critics, organizations, government agencies, or other recognized experts in the field; or E. The beneficiary or group commands a high salary or other substantial remuneration for services compared to other similarly situated in the field. <p>By filing for a P-1 group, the petitioner certifies that at least 75 percent of the group members have been performing regularly together for at least 1 year. The 1-year requirement does not apply to circus groups coming to perform with nationally recognized circuses.</p> <p>Attach a separate statement to the form to request a waiver of:</p> <ol style="list-style-type: none"> 1. The one-year relationship requirement due to emergent circumstances; or 2. The international recognition requirement (1) due to emergent circumstances, or (2) because the group has been nationally recognized as outstanding in its discipline for a substantial period of time.
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	<p>2. Use the “Supplementary Information” form to request a waiver of:</p> <p>A. The one-year relationship requirement and the international recognition requirement based on emergent circumstances; or</p> <p>B. The International recognition requirement because the group has been recognized nationally as outstanding in its discipline for a substantial period of time.</p>	
<p>Page 12: <u>P-2</u></p>	<p><u>P-2</u> A P-2 is an alien coming 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.</p> <p>Write P-2 in the classification block on the petition.</p> <p>The petition must be filed by the sponsoring organization or U.S. employer with:</p> <ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization; 2. A copy of the reciprocal exchange program; 3. A statement from the sponsoring organization describing the reciprocal agreement as it relates to the petition; 4. Evidence that the alien and the U.S. artist or group have comparable skills and that the terms of employment are similar; and 5. Evidence that an appropriate labor organization in the United States was involved in negotiating or concurred with the exchange. 	<p><u>P-2</u> A P-2 is an alien coming 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.</p> <p>Write P-2 in the classification block on the petition.</p> <p>The petition must be filed by the sponsoring organization or U.S. employer with:</p> <ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization; 2. A copy of the reciprocal exchange program; 3. A statement from the sponsoring organization describing the reciprocal agreement as it relates to the petition; 4. Evidence that the beneficiary and the U.S. artist or group have comparable skills and that the terms of employment are similar; and 5. Evidence that an appropriate labor organization in the United States was involved in negotiating or concurred with the exchange.
<p>Page 13: <u>P-3</u></p>	<p><u>P-3</u></p>	<p><u>P-3</u> A P-3 is an alien coming temporarily to</p>

	<p>A P-3 is an alien coming 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.</p> <p>Write P-3 in the classification block on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization: 2. Evidence that all performances will be culturally unique; and either <ul style="list-style-type: none"> A. Affidavits, testimonials, or letters from recognized experts attesting to the authenticity of the alien's or group's skills in presenting, coaching, or teaching art forms; or B. Documentation that the performance of the alien or group is culturally unique as evidenced by actual reviews in newspapers, journals, or other published material. 	<p>perform, teach, or coach, individually or as part of a group, in the arts or entertainment fields in a program that is culturally unique.</p> <p>Write P-3 in the classification block on the petition. The petition must be submitted with:</p> <ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization: 2. Evidence that all performances will be culturally unique; and either <ul style="list-style-type: none"> A. Affidavits, testimonials, or letters from recognized experts attesting to the authenticity of the beneficiary's or group's skills in presenting, coaching, or teaching art forms; or B. Documentation that the performance of the beneficiary or group is culturally unique as evidenced by actual reviews in newspapers, journals, or other published material.
<p>Page 13:</p> <p><u>Essential Support Personnel</u></p>	<p><u>Essential Support Personnel</u></p> <p>Accompanying support personnel are highly skilled aliens coming temporarily as an essential and integral part of the competition or performance of a principal P-1, P-2, or P-3, or because they perform support services that are essential to the successful performance or services of the principal P-1, P-2, or P-3. The accompanying personnel must have prior experience or critical skills with the principal P-1, P-2, or P-3 petition.</p> <p>Write P-1S, P-2S, or P-3S as appropriate in the classification block on the petition.</p> <ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization; 	<p><u>Essential Support Personnel</u></p> <p>Accompanying support personnel are highly skilled aliens coming temporarily as an essential and integral part of the competition or performance of a principal P-1, P-2, or P-3, or because they perform support services that are essential to the successful performance or services of the principal P-1, P-2, or P-3. The accompanying personnel must have prior experience or critical skills with the principal P-1, P-2, or P-3 petition.</p> <p>Write P-1S, P-2S, or P-3S as appropriate in the classification block on the petition.</p> <ol style="list-style-type: none"> 1. A written consultation (see General Evidence) from an appropriate labor organization; 2. A statement describing the beneficiary's critical skills and prior experience with the principal P-1, P-2, or P-3;

	<p>2. A statement describing the alien's critical skills and prior experience with the principal P-1, P-2, or P-3;</p> <p>3. Statements or affidavits from persons with first-hand knowledge that the alien has had substantial experience performing the critical skills and essential support services for the principal P-1, P-2, or P-3;</p> <p>4. A copy of any written contract between the employer and the alien or a summary of the terms of the oral agreement under which the alien will be employed.</p>	<p>3. Statements or affidavits from persons with first-hand knowledge that the beneficiary has had substantial experience performing the critical skills and essential support services for the principal P-1, P-2, or P-3;</p> <p>4. A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed.</p>
<p>Page 13: <u>Q-1</u></p>	<p><u>Q-1</u> A Q-1 is an alien coming temporarily to participate in an international cultural exchange program for sharing the attitude, customs, history heritage, philosophy, and/or traditions of the alien's country of nationality.</p> <p>*****</p> <p>Write Q-1 in the classification block on the petition.</p> <p>The petition must be submitted with evidence showing that the employer:</p> <ol style="list-style-type: none"> 1. Maintains an established international cultural exchange program; 2. Has designated a qualified employee to administer the program and serve as liaison with USCIS; 3. Is actively doing business in the United States; 4. Will offer the alien wages and working conditions comparable to those accorded local domestic workers similarly employed; and 5. Has the financial ability to remunerate the participant(s). <p>To illustrate an established international cultural exchange program, submit program documentation such as catalogues,</p>	<p><u>Q-1</u> A Q-1 is an alien coming temporarily to participate in an international cultural exchange program for sharing the attitude, customs, history heritage, philosophy, and/or traditions of the alien's country of nationality.</p> <p>*****</p> <p>Write Q-1 in the classification block on the petition.</p> <p>The petition must be submitted with evidence showing that the employer:</p> <ol style="list-style-type: none"> 1. Maintains an established international cultural exchange program; 2. Has designated a qualified employee to administer the program and serve as liaison with USCIS; 3. Is actively doing business in the United States; 4. Will offer the alien wages and working conditions comparable to those accorded local domestic workers similarly employed; and 5. Has the financial ability to remunerate the participant(s). <p>To illustrate an established international cultural exchange program, submit program documentation such as catalogues, brochures, or other types of material.</p> <p>To demonstrate financial ability to remunerate the participant(s), submit your organizations most</p>

	<p>brochures, or other types of material.</p> <p>To demonstrate financial ability to remunerate the participant(s), submit your organizations most recent annual report, business income tax return, or other form of certified accountant's report.</p> <p>However, if the proposed dates of employment are within 15 months of the approval of a prior Q-1 petition filed by you for the same international cultural exchange program, and that earlier petition was filed with the above evidence of the program, you may submit a copy of the approval notice for that prior petition in lieu of the evidence about the program required above.</p>	<p>recent annual report, business income tax return, or other form of certified accountant's report.</p> <p>If the proposed dates of employment are within 15 months of a previously approved Q-1 petition filed by the same international cultural exchange program, with the above evidence of the program, a copy of the approval notice for that prior petition may be submitted in lieu of the evidence about the program required above.</p>
<p>Page 14: <u>R-1</u></p>	<p><u>R-1</u></p> <p>An R-1 is an alien who is coming temporarily to perform services as a religious worker</p> <p>****</p> <p>[Before p. 16, Block #2 "Petition only Required for an Alien in the United States to Change Status or Extend Stay"]</p>	<p><u>R-1</u></p> <p>An R-1 is an alien who is coming temporarily to be employed at least part time (average of at least 20 hours per week) by a bona fide non-profit religious organization in the United States (or a bona fide organization which is affiliated with the religious denomination in the United States) to work:</p> <ol style="list-style-type: none"> 1. Solely as a minister; 2. In a religious vocation; or 3. In a religious occupation. <p>To qualify, the alien must have been a member of a religious denomination that has a bona fide nonprofit religious organization in the United States, for at least the 2 years immediately preceding the filing of the petition.</p> <p>Write R-1 in the classification block on the petition.</p> <p>The petition must be filed by a U.S. employer with:</p> <ol style="list-style-type: none"> 1. Evidence relating to the petitioning organization: <ul style="list-style-type: none"> A. A currently valid determination letter from the Internal Revenue Service (IRS) establishing that the organization is a tax-exempt organization; or

		<p>B. For a religious organization that is recognized as tax-exempt under a group tax-exemption, a currently valid determination letter from the IRS establishing that the group is tax-exempt; or</p> <p>C. For a bona fide organization that is affiliated with the religious denomination, if the organization was granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code (IRC) of 1986, or subsequent amendment or equivalent sections of prior enactments of the IRC, as something other than a religious organization:</p> <ul style="list-style-type: none"> i. A currently valid determination letter from the IRS establishing that the organization is a tax-exempt organization; ii. Documentation that establishes the religious nature and purpose of the organization, such as a copy of the organizing instrument of the organization that specifies the purposes of the organization; iii. Organizational literature, such as books, articles, brochures, calendars, flyers, and other literature describing the religious purpose and nature of the activities of the organization; and iv. A Religious Denomination Certification, which is part of the R-1 Classification Supplement to Form I-129, completed, signed, and dated by the religious organization certifying that the petitioning organization is affiliated with the religious denomination. <p>2. Employer Attestation, which is part of the R-1 Classification Supplement to Form I-129, completed, signed, and dated by an authorized official of the petitioner;</p> <p>3. Verifiable evidence of how the petitioner intends to compensate the beneficiary, including salaried or non-salaried compensation;</p> <p>4. If the beneficiary will be self-supporting, the petitioner must submit documentation establishing that the position the beneficiary will hold is part of an established program for</p>
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		<p>temporary, uncompensated missionary work, which is part of a broader international program of missionary work sponsored by the denomination;</p> <p>5. Evidence that the beneficiary has been a member in the religious denomination during at least the 2 years immediately preceding the filing of the petition; and</p> <p>6. Evidence to establish the beneficiary is qualified to perform the duties of the offered position.</p>
<p>Page 14:</p> <p>2. Petition Only Required for an alien in the United States to Change Status or Extend Stay</p>	<p>2. Petition Only Required for an alien in the United States to Change Status or Extend Stay</p> <p>The following classifications listed in this Section 2 do not require a petition for new employment if the alien is outside the United States. The alien should instead contact a U.S. Embassy or consulate for information about a visa or admission.</p> <p>Use this Form I-129 when the beneficiary is physically present in the United States and a change of status, concurrent employment, or an extension of stay is needed. Note, however, that the beneficiary must maintain legal status in the United States to remain eligible for the benefit sought.</p> <p>Change of Status. A petition for change of status to one of the classifications described in this section must be submitted with the initial evidence detailed below and with the initial evidence required by the separate instructions for all petitions involving a change of status.</p>	<p>PART 2: Petition Only Required for an Alien in the United States to Change Status or Extend Stay</p> <p>The following classifications listed in this Part 2 do not require a petition for new employment if the alien is outside the United States.</p> <p>Use this Form I-129 when the beneficiary is physically present in the United States and a change of status, concurrent employment, or an extension of stay is needed. Note, however, that the beneficiary must maintain legal status in the United States to remain eligible for the benefit sought.</p>
<p>Page 15:</p> <p><u>E-1</u></p>	<p><u>E-1</u></p> <p>An E-1 is a national of a country with which the United States maintains a qualifying treaty, who is coming to the United States to carry on substantial trade principally between the United States and the alien's country of nationality.</p>	<p><u>E-1</u></p> <p>An E-1 is a national of a country with which the United States maintains a qualifying treaty, who is coming to the United States to carry on substantial trade principally between the United States and the alien's country of nationality. The Department of State maintains a list of countries with qualifying treaties. See http://travel.state.gov/visa/frvi/reciprocity/ recip</p>

	<p>Qualifying trade involves the commercial exchange of goods or services in the international market place. Substantial trade is an amount of trade sufficient to ensure continuous flow of international trade items between the United States and the treaty country. Principal trade exists when than 50 percent of the E-1's total volume of international trade is conducted between the United States and the treaty country.</p>	<p><u>rocity_3726.html</u> for a list of qualifying countries.</p> <p>Qualifying trade involves the commercial exchange of goods or services in the international market place. Substantial trade is an amount of trade sufficient to ensure continuous flow of international trade items between the United States and the treaty country. Principal trade exists when more than 50 percent of the E-1's total volume of international trade is conducted between the United States and the treaty country.</p> <p>An employee of an E-1 treaty trader who possesses the same nationality as the E-1 employer may also be classified as E-1. The employee must principally and primarily perform executive or supervisory duties or possess special qualifications that are essential to the successful or efficient operation of the enterprise. The E-1 employee may perform work for the parent treaty organization or enterprise, or any subsidiary of the parent organization or enterprise.</p> <p>The petition must be filed with evidence of:</p> <ol style="list-style-type: none"> 1. Ownership and Nationality. Such evidence may include, but is not limited to, lists of investors with current status and nationality, stock certificates, certificate of ownership issued by the commercial section of a foreign embassy, and reports from a certified personal accountant. 2. Substantial Trade, which is an amount of trade sufficient to ensure a continuous flow of international trade items between the United States and the treaty country. Such evidence may include copies of three or more of the following: bills of lading, customs receipts, letter of credit, trade brochures, purchase orders, insurance papers, documenting commodities imported, carrier inventories, and/or sales contracts, or other probative documentation establishing the requisite substantial trade, and 3. For E-1 employees only: Executive or Supervisory Duties or special qualifications essential to the enterprise, including but not limited to certificates, diplomas or transcripts, letters from employers describing job titles, duties, operators' manuals, and the required level of education and knowledge.
Page 15:	<u>E-2</u>	<u>E-2</u>

<p><u>E-2</u></p>	<p>An E-2 is a national of a country with which the United States maintains a qualifying treaty, who is coming to the United States to develop and direct the operations of an enterprise in which he or she has invested or is actively in the process of investing a substantial amount of capital.</p> <p>An E-2 must demonstrate possession and control of funds and the ability to develop and direct the investment enterprise. Capital in the process of being invested or that has been invested must be placed at risk and irrevocably committed to the enterprise. The enterprise must be a real, active, and operating commercial or entrepreneurial undertaking, that produces services or goods for profit. The investment must be substantial, and the enterprise must be more than marginal.</p> <p><u>E-1 or E-2</u></p> <p>An employee of an E-1 or E-2 who possesses the same nationality may respectively be classified as E-1 or E-2. The employee must principally and primarily perform executive or supervisory duties or possess special qualifications that are essential to the successful or efficient operation of the enterprise.</p> <p><u>E Petition Requirements</u></p> <p>The petition must be filed with evidence of:</p> <ol style="list-style-type: none"> 1. Ownership and Nationality, including but not limited to lists of investors with current status and nationality, stock certificates, certificate of ownership issued by the commercial section of a foreign embassy, and reports from a certified personal accountant; 2. Substantial Trade (E-1), including but not limited to copies of three or more of the following: bills of lading, 	<p>An E-2 is a national of a country with which the United States maintains a qualifying treaty, who is coming to the United States to develop and direct the operations of an enterprise in which he or she has invested or is actively in the process of investing a substantial amount of capital. The Department of State maintains a list of countries with qualifying treaties. See http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3726.html for a list of qualifying countries.</p> <p>An E-2 petitioner must demonstrate possession and control of funds and the ability to develop and direct the investment enterprise. Capital in the process of being invested or that has been invested must be placed at risk and be irrevocably committed to the enterprise. The enterprise must be a real, active, and operating commercial or entrepreneurial undertaking, that produces services or goods for profit. The investment must be substantial, and the enterprise must be more than marginal.</p> <p>An employee of an E-2 who possesses the same nationality as the E-2 employer may also be classified as E-2. The employee must principally and primarily perform executive or supervisory duties or possess special qualifications that are essential to the successful or efficient operation of the enterprise.</p> <p>The petition must be filed with evidence of:</p> <ol style="list-style-type: none"> 1. Ownership and nationality, including but not limited to lists of investors with current status and nationality, stock certificates, certificate of ownership issued by the commercial section of a foreign embassy, and reports from a certified personal accountant; 2. Substantial investment, including but not limited to copies of partnership agreements (with a statement on proportionate ownership), articles of incorporation, payments for the rental of business premises or office equipment, business licenses, stock certificates, office inventories (goods and equipment purchased for the business), insurance appraisals, annual reports, net worth statements from certified profession accountants, advertising invoices, business bank accounts containing funds for routine operations, funds held in escrow; and
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	<p>customs receipts, letter of credit, trade brochures, purchase orders, insurance papers, documenting commodities imported, carrier inventories, and/or sales contracts;</p> <p>3. Substantial Investment (E-2), including but not limited to copies of partnership agreements (with a statement on proportionate ownership), articles of incorporation, payments for the rental of business premises or office equipment, business licenses, stock certificates, office inventories (goods and equipment purchased for the business), insurance appraisals, annual reports, net worth statements from certified profession accountants, advertising invoices, business bank accounts containing funds for routine operations, funds held in escrow;</p> <p>4. Executive or Supervisory Duties or special qualifications essential to the enterprise (E-1 Employee or E-2 Employee), including but not limited to certificates, diplomas or transcripts, letters from employers describing job titles, duties, operators' manuals, and the required level of education and knowledge;</p>	<p>3. For E-2 employees only: Executive or supervisory duties or special qualifications essential to the enterprise, including but not limited to certificates, diplomas or transcripts, letters from employers describing job titles, duties, operators' manuals, and the required level of education and knowledge.</p>
<p>Page 16: Free Trade Nonimmigrants (H-1B1 and TNs)</p>	<p>Change of status to Free Trade nonimmigrants.</p> <p>A Free Trade Nonimmigrant is a citizen of Canada or Mexico coming to the United States as a TN or a citizen from Chile or Singapore coming to the U.S. as an H-1B1 Free Trade Nonimmigrant temporarily under the provisions of a Free Trade Agreement. A qualified employer may file this Form I-129 for a citizen of one of the above countries if that citizen has already been admitted to the United States in a nonimmigrant category eligible for change of status. Along with the Form I-129 and related supplement (Nonimmigrant classification based on a Free Trade Agreement Supplement), petitioners for Chile or Singapore H-1B1</p>	<p>Free Trade Nonimmigrants (H-1B1 and TNs)</p> <p>A Free Trade Nonimmigrant is a temporary nonimmigrant classification based on the provisions of a Free Trade Agreement between the United States and the alien's country of citizenship. Currently there are two stand alone Free Trade Nonimmigrant classifications available.</p> <p>A TN nonimmigrant is a citizen of Canada or Mexico covered by the North American Free Trade Agreement who is 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 demonstrating status as a professional). The acceptable types of TN business activities at a</p>

	<p>nonimmigrants must also file the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement to ensure accurate fee and data collection.</p> <p>NOTE: Canadian or Mexican TN nonimmigrants can be petitioned for by either a U.S. employer or a foreign employer. However, for Chile or Singapore H-1B1 nonimmigrants, the petitioner must be a U.S. employer.</p> <p>In addition to the required information noted above under "Change of Status," submit the following:</p> <ol style="list-style-type: none"> 1. A letter from the employer stating the activity to be engaged in, the anticipated length of stay and the arrangements for remuneration; 2. Evidence that the alien meets the educational and/or licensing requirements for the profession or occupation (including, for citizens of Chile, the post-secondary certificate for Agricultural Managers and Physical Therapists that is accepted by the U.S. Department of State if the citizen of Chile is receiving a nonimmigrant free trade visa overseas); 3. For citizens of Chile and Singapore, a U.S. Department of Labor issued certified labor condition application. 	<p>professional level are listed at 8 CFR 214.6(c).</p> <p>Write TN in the classification block on the petition.</p> <p>If requesting a "Change of Status" to TN, the applicant must submit evidence demonstrating that he or she will be engaged in business activities at a professional level and that the applicant possesses the requisite professional qualifications. Acceptable evidence may include, but is not limited to, the following:</p> <ol style="list-style-type: none"> 1. A letter from the employer stating the activity to be engaged in, the anticipated length of stay, and the arrangements for remuneration; 2. A copy of the beneficiary's last two pay stubs and W-2 if employed in the United States; and 3. Evidence the beneficiary meets the educational and/or licensing requirements for the profession or occupation. <p>If requesting an "Extension of Stay" in TN classification, submit evidence, such as a letter, describing the continuing employment and evidence of the beneficiary's continued valid licensing (if required by the profession and/or the State).</p> <p>An H-1B1 is an alien from Chile or Singapore coming temporarily to perform services in a specialty occupation. See the instructions for H-1B nonimmigrants for the definition of "specialty occupation."</p> <p>Write H-1B1 in the classification block on the petition.</p> <p>All evidence listed on page 5 for H-1B specialty occupation classification and the following supplements must be submitted with the petition:</p> <ol style="list-style-type: none"> 1. Nonimmigrant Classification Based on a Free Trade Agreement Supplement, 2. H Classification Supplement, and 3. H-1B Data Collection and Filing Fee Exemption Supplement. <p>If requesting an "Extension of Stay" submit evidence, such as a letter describing the continuing employment, as well as evidence of the beneficiary's continued valid licensing (if required</p>
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		by the profession and/or the State). Also, if this extension is the sixth consecutive extension requested for this beneficiary, a statement to that effect should be provided.
Page 16: Change of Status	<p>Change of Status</p> <p>In addition to the initial evidence for the classification you are requesting, a petition requesting a change of status for an alien in the United States must be submitted with a copy of the employee's(s) Form I-94, Nonimmigrant Arrival/Departure Record.</p> <p>NOTE: Family members should use Form I-539, Application to Change/Extend Nonimmigrant Status, to apply for a change of status.</p> <p>A nonimmigrant, who must have a passport to be admitted, must keep that passport valid during his or her entire stay. If a required passport is not valid, include a full explanation with your petition.</p> <p>The following nonimmigrants are not eligible to change status:</p> <ol style="list-style-type: none"> 1. An alien admitted under a visa waiver program; 2. An alien in transit (C) or in transit without a visa (TWOV); 3. A crewman (D); 4. A fiancé(e) (K-1) or his or her dependent (K-2); 5. A J-1 exchange visitor whose status was for the purpose of receiving graduate medical training (unless a waive has been granted under section 214(l) of the Immigration and Nationality Act); 6. A J-1 exchange visitor subject to the foreign residence requirement who has not received a waiver of that requirement; and 7. An M-1 student to an H 	<p>Change of Status</p> <p>A petition for change of status to one of the classifications described in this section must be submitted with the initial evidence detailed above and with the initial evidence required by the separate instructions for all petitions involving change of status.</p>

	classification, if training received as an M-1 helped him or her qualify for H classification.	
Page 16: Extension of Stay	<p>Extension of Stay</p> <p>Extension of stay for all except Free Trade nonimmigrants.</p> <p>A petition requesting an extension of stay for an employee in the United States must be filed with a copy of the employee's Form 1-94, Nonimmigrant Arrival/Departure Record, and a letter from the petitioner explaining the reasons for the extension. Consult the regulations relative to the specific nonimmigrant classification sought.</p> <p>NOTE: Family members should use Form I-539 to file for an extension of stay.</p> <p>A nonimmigrant, who must have a passport to be admitted, must keep that passport valid during his or her entire stay. If a required passport is not valid, include a full explanation with your petition. Where there has been a change in the circumstances of employment, submit also the evidence required for a new petition.</p> <p>Where there has been no change in the circumstances of employment, file your petition with the appropriate supplement and with your letter describing the continuing employment, and:</p> <ol style="list-style-type: none"> 1. If the petition is for H-1B status, submit an approved labor condition application for the specialty occupation valid for the period of time requested. 2. If the petition is for H-2A status, submit a labor certification valid for the dates of the extension, unless it is based on a continuation of employment authorized by the approval of a previous petition filed with a certification, and the extension will last no longer than 	<p>Extension of Stay</p> <p>Extension of stay for all except Free Trade nonimmigrants.</p> <p>A petition requesting an extension of stay for an employee in the United States must be filed with a copy of the beneficiary's Form 1-94, Nonimmigrant Arrival/Departure Record, and a letter from the petitioner explaining the reasons for the extension. Consult the regulations relative to the specific nonimmigrant classification sought.</p> <p>NOTE: Family members should use Form I- 539 to file for an extension of stay.</p> <p>A nonimmigrant, who must have a passport to be admitted, must keep that passport valid during his or her entire stay. If a required passport is not valid, include a full explanation with your petition. Where there has been a change in the circumstances of employment, submit also the evidence required for a new petition. A petition requesting an extension must be submitted with:</p> <ol style="list-style-type: none"> 1. The appropriate supplement(s) for the classification; 2. A letter describing the proffered employment; 3. A copy of the beneficiary's last two pay stubs and W-2, if applicable, 4. Evidence the beneficiary continues to meet the licensing requirements for the profession or occupation, if applicable, 5. If requesting an extension of H-1B status (including H-1B1 Chile/Singapore), evidence that a labor condition application for the specialty occupation valid for the period of time requested has been filed with the Department of Labor.. 6. If requesting H-2A status, submit a 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 two weeks.

	<p>the previously authorized employment and no longer than two weeks.</p> <p>3. If the petition is for H-2B status, submit a labor certification valid for the dates of the extension.</p> <p>Extension of Free Trade stay.</p> <p>NOTE: Canadian or Mexican TN nonimmigrants can be petitioned for by either a U.S. employer or a foreign employer. However, for Chile or Singapore H-1B1 nonimmigrants, the petitioner must be a U.S. employer.</p> <p>An employer requesting an extension of stay for an alien with a nonimmigrant classification based on a Free Trade Agreement should follow the above instructions. Submit with your extension request:</p> <p>1. A letter describing the continuing employment,</p> <p>2. The newly requested length of stay,</p> <p>3. Continued valid licensing if required by the profession and/or the State, and</p> <p>4. In the case of a Chile or Singapore H-1B1 Free Trade Nonimmigrant, a currently valid labor condition attestation.</p> <p>Along with the Form I-129 and related supplement (Nonimmigrant classification based on a Free Trade Agreement Supplement), petitioners for Chile or Singapore H-1B1 nonimmigrants must also file the H-1B Data Collection and Filing Fee Exemptions Supplement to ensure accurate fee and data collection.</p> <p>If the extension is for a Chile or Singapore H-1B1 Free Trade Nonimmigrant and it is the sixth consecutive extension request for that person, a statement to that effect must be provided.</p>	<p>7. If requesting H-2B status, submit a U.S. Department of Labor approved temporary labor certification valid for the dates of extension.</p>
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Page 17: General Evidence	<p>Written Consultation. Noted classifications require a written consultation with a recognized peer group, union, and/or management organization regarding the nature of the work to be done and the alien's qualifications before the petition may be approved.</p> <p>*****</p>	<p>Written Consultation. Noted classifications require a written consultation with a recognized peer group, union, and/or management organization regarding the nature of the work to be done and the beneficiary's qualifications before the petition may be approved.</p> <p>*****</p>
Page 17: Liability for Return Transportation	<p>Liability for Return Transportation</p> <p>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 alien who is dismissed before the end of authorized employment.</p>	<p>Liability for Return Transportation</p> <p>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 authorized employment.</p>
Page 17: Where to File?	<p>Where to File?</p> <p><u>Updated filing Address Information</u></p> <p>The filing addresses provided on this form reflect the most current information as of the date this form was last printed.</p> <p>If you are filing Form I-129 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit us online at www.uscis.gov before you file, and check the Forms and Fees page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-129 matches the edition date listed for Form I-129 on the online Forms and Fees page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call Customer Service at 1-800-375-5283 to verify the current filing address and edition date. Improperly filed forms will be rejected, and the fee returned, with instructions to resubmit the entire filing using the</p>	<p>Where to File?</p> <p><u>Regular Processing</u></p> <p>Generally, except for the classifications listed below, the Form I-129 is filed either at the California Service Center or Vermont Service Center, depending on the location of the temporary employment or training. When the temporary employment or training will be in multiple locations, the state where your company or organization is located will determine which Service Center you should send your petition to.</p> <p>Prior to submitting your form(s), note the different addresses (see "Mailing Addresses" Section).</p> <p>Exceptions: Regardless of work locations, the following types of petitions should <u>always</u> be sent to the California Service Center:</p> <ol style="list-style-type: none"> 1. H-2A 2. R-1 3. H-1B petitions where the employer is statutorily exempt from the cap <p>Regardless of work locations, the following types of petitions should <u>always</u> be sent to the Vermont Service Center:</p> <ol style="list-style-type: none"> 1. H-1C 2. E-3, Petitions for extension of stay or change

	<p>current form instructions.</p> <p><u>Premium Processing</u></p> <p>If you are requesting Premium Processing Services on Form I-129, Petition for Nonimmigrant Worker, you <u>must</u> also file Form I-907, Request for Premium Processing Services. Before you file the I-129/I-907 package, check Premium Processing at www.uscis.gov website to ensure the requested classification is Premium eligible.</p> <p><u>Regular Processing</u></p> <p>Form I-129 is filed either at the California Service Center or the Vermont Service Center, depending on the location of the beneficiary's temporary employment and the nonimmigrant classification sought. Prior to submitting your form(s), please note the different addresses. Failure to follow these instructions may result in your application or petition being rejected, delayed, or denied.</p> <p>Exceptions: All Form I-129s filed for H-2A or R-1 classification must be filed at the California Service Center. Additionally, H-1B employers filing petitions which are cap exempt must file at the California Service Center. All Form I-129s filed for E-3, H-1C, TN or Free Trade Chile/Singapore H-1B1 classification must be filed at the Vermont Service Center. Form I-129s filed by major league sports must be sent to the Vermont Service Center, regardless of the place of temporary employment.</p> <p>Failure to follow these instructions may result in your petition being rejected, delayed, or denied.</p> <p><u>California Service Center Filings.</u></p> <p>File Form I-129 with the California Service Center if the beneficiary is or will be employed temporarily or</p>	<p>of status only</p> <p>3. Free Trade Nonimmigrants (H-1B1 aliens from Chile/Singapore and TN aliens from Canada or Mexico.), Petitions for extension of stay or change of status only</p> <p>4. P-1, Major League Sports Organizations</p> <p>Failure to follow these instructions may result in your petition being rejected, delayed, or denied.</p> <p>California Service Center Filings:</p> <p>File Form I-129 with the California Service Center if the beneficiary is or will be employed temporarily or receiving training in:</p> <table><tr><td>Alaska</td><td>Minnesota</td></tr><tr><td>Arizona</td><td>Missouri</td></tr><tr><td>California</td><td>Montana</td></tr><tr><td>Colorado</td><td>Nebraska</td></tr><tr><td>CNMI*</td><td>Nevada</td></tr><tr><td>Guam</td><td>North Dakota</td></tr><tr><td>Hawaii</td><td>Ohio</td></tr><tr><td>Idaho</td><td>Oregon</td></tr><tr><td>Illinois</td><td>South Dakota</td></tr><tr><td>Indiana</td><td>Utah</td></tr><tr><td>Iowa</td><td>Washington</td></tr><tr><td>Kansas</td><td>Wisconsin</td></tr><tr><td>Michigan</td><td>Wyoming</td></tr></table> <p>*Commonwealth of the Northern Mariana Islands.</p> <p>Vermont Service Center Filings:</p> <p>File Form I-129 with the Vermont Service Center if the beneficiary is or will be employed temporarily or receiving training in:</p> <table><tr><td>Alabama</td><td>New Mexico</td></tr><tr><td>Arkansas</td><td>New York</td></tr><tr><td>Connecticut</td><td>North Carolina</td></tr><tr><td>Delaware</td><td>Oklahoma</td></tr><tr><td>District of Columbia</td><td>Pennsylvania</td></tr><tr><td>Florida</td><td>Puerto Rico</td></tr><tr><td>Georgia</td><td>Rhode Island</td></tr><tr><td>Kentucky</td><td>South Carolina</td></tr><tr><td>Louisiana</td><td>Tennessee</td></tr><tr><td>Maine</td><td>Texas</td></tr><tr><td>Maryland</td><td>Vermont</td></tr><tr><td>Massachusetts</td><td>Virginia</td></tr><tr><td>Mississippi</td><td>U.S. Virgin Islands</td></tr><tr><td>New Hampshire</td><td>West Virginia</td></tr></table>	Alaska	Minnesota	Arizona	Missouri	California	Montana	Colorado	Nebraska	CNMI*	Nevada	Guam	North Dakota	Hawaii	Ohio	Idaho	Oregon	Illinois	South Dakota	Indiana	Utah	Iowa	Washington	Kansas	Wisconsin	Michigan	Wyoming	Alabama	New Mexico	Arkansas	New York	Connecticut	North Carolina	Delaware	Oklahoma	District of Columbia	Pennsylvania	Florida	Puerto Rico	Georgia	Rhode Island	Kentucky	South Carolina	Louisiana	Tennessee	Maine	Texas	Maryland	Vermont	Massachusetts	Virginia	Mississippi	U.S. Virgin Islands	New Hampshire	West Virginia
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Mississippi	U.S. Virgin Islands																																																							
New Hampshire	West Virginia																																																							

	<p>receiving training in:</p> <p>Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.</p> <p>H-1B Extensions:</p> <p>USCIS California Service Center ATTN: H-1B Extensions P.O. Box 10129 Laguna Niguel, CA 92607-1012</p> <p>H-2A Regular Mail Address:</p> <p>USCIS California Service Center ATTN: H-2A Processing Unit P.O. Box 10140 Laguna Niguel, CA 92607-1040</p> <p>H-2A Courier Mail Address:</p> <p>USCIS California Service Center ATTN: H-2A Processing Unit 24000 Avila Road, Room 2312 Laguna Niguel, CA 92677</p> <p><u>All other I-129 Cases:</u></p> <p>USCIS California Service Center ATTN: I-129 P.O. Box 10129 Laguna Niguel, CA 92607-1012</p> <p>Courier Address for All I-129s</p> <p>USCIS California Service Center 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677 (Please note the type of I-129 in the attention line)</p> <p>Premium Processing</p> <p>If the classification requested on Form I-129 is eligible for Premium Processing and you wish to request</p>	<p>New Jersey</p> <p><u>Premium Processing</u></p> <p>If you are requesting Premium Processing Services for a Form I-129, Petition for a Nonimmigrant Worker, you <u>must</u> also file a Form I-907, Request for Premium Processing Services. Before you file the I-129/I-907 package, check www.uscis.gov Web site to ensure that the requested classification is eligible for premium processing.</p> <p><u>E-Filing</u></p> <p>If you are e-filing this petition, it will automatically be routed to the appropriate Service Center. You will receive a receipt indicating the location to which it was routed. The submission of supporting documents and any other communication regarding your e-filed petition should be directed to the receiving location indicated on your receipt.</p> <p><u>Mailing Addresses:</u></p> <p>The mailing addresses provided below reflect the most current information as of the date this form was last printed. If you are filing this form more than 30 days after the edition date printed on this form (shown in the lower right-hand corner), check <i>before you file</i> to confirm that this is the most current version of the Form I-129 to use by either (1) visiting the "Forms and Fees" section at www.uscis.gov or (2) if you do not have internet access, calling Customer Service at 1-800-375-5283.</p>
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	<p>Premium Processing services, use the designated Premium Processing address for the California Service Center as indicated:</p> <p>Form I-907/I-129 Regular Mailing Address:</p> <p>Premium Processing Service USCIS California Service Center P.O. Box 10825 Laguna Niguel, CA92607 (Please note the type of I-129 in the attention line)</p> <p>Form I-907/I-129 Courier Mail Address:</p> <p>Premium Processing Service USCIS California Service Center 24000 Avila Road2nd Floor, Room 2312 Laguna Niguel, CA 92677 (Please note the type of I-129 in the attention line)</p> <p>Form I-907/I-129 E-Mail Address: CSC-Premium.Processing@dhs.gov</p> <p><u>Vermont Service Center Filings.</u></p> <p>File Form I-129 with the Vermont Service Center if the beneficiary is or will be employed temporarily or receiving training in:</p> <p>Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, or West Virginia.</p> <p>Mail your package to:</p> <p>H-1B Cap Cases:</p>	
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	<p>USCIS Vermont Service Center ATTN: H-1B Cap 1A Lemnah Drive St. Albans. VT 05479-0001</p> <p>H-1B U.S. Masters Cap Cases:</p> <p>USCIS Vermont Service Center ATTN: H-1B U.S. Masters Cap 1A Lemnah Drive St. Albans. VT 05479-0001</p> <p>All other I-129 Cases:</p> <p>USCIS Vermont Service Center ATTN: I-129 75 Lower Welden Street St. Albans, VT 05479-0001</p> <p>Premium Processing:</p> <p>If the classification requested on Form I-129 is eligible for Premium Processing and you wish to request Premium Processing Services, please use the designated Premium Processing address for the Vermont Service Center, as listed below (for either mail or courier):</p> <p>Form I-907/I-129 Mailing Address and Courier Address:</p> <p>H-1B Cap Cases:</p> <p>Premium Processing Service USCIS Vermont Service Center ATTN: H-1B Cap 30 Houghton Street St. Albans. VT 05478-2399</p> <p>H-1B U.S. Master Cap Cases:</p> <p>Premium Processing Service USCIS Vermont Service Center ATTN: H-1B U.S. Masters Cap 30 Houghton Street St. Albans. VT 05478-2399</p>	
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	<p>All other I-129 Cases:</p> <p>Premium Processing Service USCIS Vermont Service Center ATTN: I-129 30 Houghton Street St. Albans. VT 05478-2399</p> <p>Form I-907/I-129 E-mail address:</p> <p>VSC- Premium.Processing@dhs.gov.</p> <p><u>Exceptions</u></p> <p>1. Form I-129 Filed for Temporary Employment or Training in More Than 1 Location: When the temporary employment or training will be in different locations, the state where your company or organization is located will determine the Service Center to which you should send the Form I-129 package. For example, the beneficiary will work in Arizona and Texas, and your company is located in New York, file Form I-129 with the Vermont Service Center.</p> <p>2. H-1C Classification for Nurses: Mail the I-129 package to the Vermont Service Center, regardless of where the temporary H-1C nurse will be employed.</p> <p>3. H-2A Classification for Temporary Agricultural Workers: Mail the I-129 package to the designated address at the California Service Center.</p> <p>4. R Classification for Temporary Religious Workers:</p> <p>5. Major League Sports: This covers major league athletes, minor league sports, and any affiliates associated with the major leagues in baseball, hockey, soccer, basketball, and football. Support personnel includes: coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters. Mail the I-129 package to</p>	
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	<p>the Vermont Service Center, regardless of the place of temporary employment.</p> <p>6. Trade NAFTA (TN) for Nationals of Mexico and Canada:</p> <p>A. TN Extension or Change of Status for Nationals of Canada or Mexico Already in the U.S.: Mail the Form I-129 package to the Vermont Service Center, regardless of where the TN Canadian or Mexican national will be employed.</p> <p>B. Initial TN Classification for Nationals of Mexico: Do not use Form I-129 to apply for <i>initial</i> TN classification for a national of Mexico. To obtain more information on the application process, please visit the U.S. Department of State's TN Visa website.</p> <p>C. Initial TN Classification for Nationals of Canada: DO NOT use Form I-129 to apply for <i>initial</i> TN classification for a national of Canada. Please see 8 CFR 214.6 for information on applying at a U.S. port of entry.</p> <p>7. H-1B1 Singapore/Chile Free Trade:</p> <p>A. Initial H-1B1 Classification under the Singapore/ Chile Free Trade Agreement for Beneficiaries Outside the U.S.: DO NOT use Form I-129 to apply for <i>initial</i> H-1B1 classification. To obtain more information on the H-1B1 application process, please visit the U.S. Department of State's website.</p> <p>B. Change of Status to H-1B1 and Extension of H-1B1 Stay: Mail the Form I-129 package to the Vermont Service Center, regardless of where the H-1B1 beneficiary will be employed.</p> <p>8. E-3 Australian Free Trade:</p> <p>A. Change of Status to E-3 and E-3</p>	
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	<p>Extension: Mail the Form I-129 package to the Vermont Service Center, regardless of where the E-3 beneficiary will be employed.</p> <p>B. Initial E-3 Classification for Beneficiaries Outside the U.S.: DO NOT use Form I-129 to apply for initial E-3 classification if the beneficiary is outside the United States. To obtain more information on the E-3 application process, please visit the U.S. Department of State's website.</p> <p><u>Note on E-Filing</u></p> <p>If you are e-filing this application, it will automatically be routed to the appropriate Service Center, and you will receive a receipt indicating the location to which it was routed. This location may not necessarily be the same center shown in the filing addresses listed above. For e-filed applications, it is very important to review your filing receipt and make specific note of the receiving location. All further communication, including submission of supporting documents, should be directed to the receiving location indicated on your e-filing receipt.</p>	
Page 19 Mailing Address	New insert Mailing Address	[Insert Mailing Address table – See attached at end of TOC]
Page 22: What Is the Filing Fee?	<p>The base filing fee for this petition is \$320.</p> <p>A U.S. employer filing Form I-129 for an H-1B nonimmigrant or for a Chile or Singapore H-1B1 Free Trade Nonimmigrant must submit the \$320 petition filing fee and, unless exempt under Part B of the H-1B Data Collection and Filing Fee Exemption Supplement, an additional fee of either \$1,500 or \$750.</p> <p>A U.S. employer with a total of 25 or fewer full-time equivalent employees in the United States (including any affiliate or subsidiary of the employer)</p>	<p>The base filing fee for this petition is \$320.</p> <p>A U.S. employer filing Form I-129 for an H-1B nonimmigrant or for a Chile or Singapore H-1B1 Free Trade Nonimmigrant must submit the \$320 petition filing fee and, unless exempt under Part B of the H-1B Data Collection and Filing Fee Exemption Supplement, an additional fee of either \$1,500 or \$750.</p> <p>A U.S. employer with a total of 25 or fewer full-time equivalent employees in the United States (including any affiliate or subsidiary of the employer) is only obligated to pay the \$750 fee.</p> <p>A U.S. employer filing a form I-129 who is required to pay the additional fee may make the</p>

	<p>is only obligated to pay the \$750 fee.</p> <p>A U.S. employer filing a form I-129 who is required to pay the additional 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 additional fee and one for the petition fee.</p> <p>NOTE: H-1B and L-1 petitioners are required to pay the \$500 Fraud Prevention and Detection Fee mandated by the H-1B Visa Reform Act of 2004 must submit a check or money order separate from the additional fee and petition fee. Petitioners for Chile or Singapore H-1B1 Free Trade Nonimmigrants do not have to pay this fee.</p> <p>NOTE: Employers filing H-2B petitions for employment to commence on or after October 1, 2005, must submit an additional fee of \$150. The Save Our Small and Seasonal Business Act of 2005 authorized this \$150 Fraud Prevention and Detection Fee.</p> <p>The fee must be submitted in the exact amount. It cannot be refunded. Do not mail cash. All checks and money orders must be drawn on bank or other institution located in the United States and must be payable in U.S. currency. The check or money order must be made payable to the Department of Homeland Security, except that:</p> <p>*****</p>	<p>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 additional fee and one for the petition fee.</p> <p>NOTE: H-1B and L-1 petitioners are required to pay the \$500 Fraud Prevention and Detection Fee mandated by the H-1B Visa Reform Act of 2004 must submit a check or money order separate from the additional fee and petition fee. Petitioners for Chile or Singapore H-1B1 Free Trade Nonimmigrants do not have to pay this fee.</p> <p>NOTE: Employers filing H-2B petitions for employment to commence on or after October 1, 2005, must submit an additional fee of \$150. The Save Our Small and Seasonal Business Act of 2005 authorized this \$150 Fraud Prevention and Detection Fee.</p> <p>NOTE: Aliens present in the CNMI seeking to change their status from a CNMI investor status directly to the E-2 CNMI status without departing the CNMI must pay or obtain a waiver of the \$80 biometrics service fee described in 8 CFR 103.7(b). Biometrics service fees should be submitted on a separate check from the Form I-129 filing fee.</p> <p>Fees must be submitted in the exact amount and cannot be refunded. Do not mail cash. All checks and money orders must be drawn on bank or other institution located in the United States and must be payable in U.S. currency. The check or money order must be made payable to the Department of Homeland Security, except that:</p> <p>*****</p>
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TABLE TO INSERT in “Mailing Addresses:” Section

CALIFORNIA SERVICE CENTER		
Petition Type	Regular Mailing	Courier Mailing
All CNMI I-129 Petitions (filed for any classification included on this form for employment in the CNMI)	USCIS California Service Center ATTN: CNMI I-129 P.O. Box 10129 Laguna Niguel, CA 92607-1098 <i>(Please note the nonimmigrant classification requested in the attention line.)</i>	USCIS California Service Center ATTN: CNMI I-129 24000 Avila Road 2 nd Floor, Room 2312 Laguna Niguel, CA 92677 <i>(Please note the nonimmigrant classification requested in the attention line.)</i>
Guam H-1B and H-2B Petitions	USCIS California Service Center ATTN: Guam I-129 P.O. Box 10129 Laguna Niguel, CA 92607-1012 <i>(Please note the nonimmigrant classification requested in the attention line.)</i>	USCIS California Service Center ATTN: Guam I-129 24000 Avila Road 2 nd Floor, Room 2312 Laguna Niguel, CA 92677 <i>(Please note the nonimmigrant classification requested in the attention line.)</i>
H-1B Extension of Stay Petition	USCIS California Service Center ATTN: H-1B Extensions P.O. Box 10129 Laguna Niguel, CA 92607-1012	USCIS California Service Center ATTN: H-1B Extensions 24000 Avila Road 2 nd Floor, Room 2312 Laguna Niguel, CA 92677
H-2A Petitions	USCIS California Service Center ATTN: H-2A Processing Unit P.O. Box 10140 Laguna Niguel, CA 92607-1040	USCIS California Service Center ATTN: H-2A Processing Unit 24000 Avila Road, Room 2312 Laguna Niguel, CA 92677
All Other I-129 Petitions	USCIS California Service Center ATTN: I-129 P.O. Box 10129 Laguna Niguel, CA 92607-1012 <i>(Please note the nonimmigrant classification requested in the attention line.)</i>	USCIS California Service Center ATTN: I-129 24000 Avila Road 2 nd Floor, Room 2312 Laguna Niguel, CA 92677 <i>(Please note the nonimmigrant classification requested in the attention line.)</i>
Premium Processing I-129/I-907 Packages	Premium Processing Service USCIS California Service Center ATTN: I-129	Premium Processing Service USCIS California Service Center ATTN: I-129

	P.O. Box 10825 Laguna Niguel, CA 92607 <i>(Please note the nonimmigrant classification requested in the attention line)</i>	24000 Avila Road 2 nd Floor, Room 2312 Laguna Niguel, CA 92677 <i>(Please note the nonimmigrant classification requested in the attention line)</i>
	Premium Processing e-mail address: CSC-Premium.Processing@dhs.gov	

VERMONT SERVICE CENTER		
Petition Type	Regular & Courier Mailing	Premium Processing I-129/I-907 Packages
H-1B Cap-Subject Petitions	USCIS Vermont Service Center ATTN: H-1B Cap 1A Lemnah Drive St. Albans, VT 05479-0001	Premium Processing Service USCIS Vermont Service Center ATTN: H-1B Cap 30 Houghton Street St. Albans, VT 05478-2399
H-1B U.S. Master's Cap Petitions	USCIS Vermont Service Center ATTN: H-1B U.S. Master's Cap 1A Lemnah Drive St. Albans, VT 05479-0001	Premium Processing Service USCIS Vermont Service Center ATTN: H-1B U.S. Master's Cap 30 Houghton Street St. Albans, VT 05478-2399
All Other I-129 Petitions	USCIS Vermont Service Center ATTN: I-129 75 Lower Welden Street St. Albans, VT 05479-0001 <i>(Please note the nonimmigrant classification requested in the attention line)</i>	Premium Processing Service USCIS Vermont Service Center ATTN: I-129 30 Houghton Street St. Albans, VT 05478-2399 <i>(Please note the nonimmigrant classification requested in the attention line)</i>
	Premium Processing email address: VSC-Premium.Processing@dhs.gov	