

TABLE OF CHANGES – INSTRUCTIONS
FORM I-129, Petition for a Nonimmigrant Worker
OMB NO. 1615-0009
6/26/2013

Reason for Revision: The Form I-129 and its instructions are being revised to incorporate suggested agency format changes and various program changes and initiatives. The changes include additional information to address the new paperless I-94 Arrival-Departure Record process, questions regarding beneficiary ownership that arose during the EIR program, and clarifications to the H-2A, H-2B and L sections of the form and instructions. Certain obsolete classifications (such as the H-1C classification) and mailing address information already covered online have been removed.

LOCATION	CURRENT VERSION	PROPOSED VERSION
		Format of instructions has been converted into full page; some of the general sections present on all USCIS forms have been revised to reflect updated language (e.g., See General Instructions, Forms and Information, USCIS Privacy Act Statement, Paperwork Reduction Act, etc.)
Page 1	NOTE: You may file Form I-129 electronically. Go to our Internet Web site at www.uscis.gov and follow the detailed instructions on e-filing. Read these instructions carefully to properly complete this form. If you need more space to complete an answer, go to Part 9 and indicate the question number of the item to which the answer refers.	[Deleted.]
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	Processing Information, Penalties, Privacy Act Notice, USCIS Information and Forms, and Paperwork Reduction Act, 22 II. Petition for a Nonimmigrant Worker (Form I-129), 1 ...Attachment - 1 (Used when more than one alien is included on form), 33	Where to File?, 27 Additional Information Processing Information, 28 USCIS Information and Forms, 28 USCIS Privacy Act Statement, 28 USCIS Compliance Review and Monitoring, 29 Paperwork Reduction Act, 29 Supplements to Form I-129 ...Attachment -1 (Used when more than one alien is included on the form), 35
Page 1-2, What is the Purpose of This Form?	This form is used by an employer to petition U.S. Citizenship and Immigration Services (USCIS) for an alien beneficiary to come as a nonimmigrant to the United States temporarily to perform services or labor, or to receive training... 3. H-1B Data Collection and Filing Fee Exemption Supplement (required for H-1B classifications only)... 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. H-1C, registered nurse... PART 2: Classification that requires a petition only if the beneficiary is already in the United States and requesting an extension of stay or change of status... Free Trade Nonimmigrants, H-1B1 aliens from Chile or Singapore and TN aliens from Canada or Mexico. NOTE: A petition must always be filed for an E-2 CNMI investor classification.	The Purpose of Form I-129 This form is used by an employer to petition U.S. Citizenship and Immigration Services (USCIS) for an alien beneficiary to come temporarily to the United States as a nonimmigrant to perform services or labor, or to receive training... 3. H-1B Data Collection and Filing Fee Exemption Supplement (required for H-1B, and H-1B1 classifications only)... H-1B--specialty occupation worker; an alien coming to perform services of an exceptional nature that relate to a U.S. Department of Defense-administered project; or a fashion model of distinguished merit and ability. [Deleted.] Part 2: Classifications that require a petition only if the beneficiary is already in the United States and requesting an extension of stay or a change of status... Free Trade Nonimmigrants--H-1B1 nonimmigrants from Chile or Singapore and TN nonimmigrants from Canada or Mexico. [Deleted.]
Page 2, Who May File This Form I-129?	General. A U.S. employer may file this form and applicable supplements to classify an alien in any nonimmigrant classification listed	Who May File Form I-129? General. A U.S. employer may file this form and applicable supplements to classify an alien in any nonimmigrant classification listed

	in Part 1 and Part 2 of these instructions. A foreign employer may file for certain classifications as indicated in the specific instructions. Agents. A U.S. individual or company in business as an agent may file for types of workers who are traditionally self-employed or who traditionally use an agent to arrange short-term employment with numerous employers. A petition filed by an agent must include a complete itinerary of services or engagements, including dates, names, and addresses of the actual employers, and the locations where the services will be performed. A petition filed by a U.S. agent must guarantee the wages and other terms and conditions of employment by contractual agreement with the beneficiary or beneficiaries of the petition. The agent/employer must also provide an itinerary of definite employment and information on any other services planned for the period of time requested. Including more than one alien in a petition. Multiple aliens who will seek and mission 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 the same petition provided: 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. 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	in Part 1 and Part 2 of these instructions. A foreign employer, U.S. agent, or association of U.S. agricultural employers may file for certain classifications as indicated in the specific instructions. Agents. A U.S. individual or company in business as an agent may file a petition for workers who are traditionally self-employed or workers who use agents to arrange short-term employment on their behalf with numerous employers, and in cases where a foreign employer authorizes the agent to act on its behalf. A petition filed by an agent must include a complete itinerary of services or engagements, including dates, names, and addresses of the actual employers, and the locations where the services will be performed. A petition filed by a U.S. agent must guarantee the wages and other terms and conditions of employment by contractual agreement with the beneficiary or beneficiaries of the petition. The agent/employer must also provide an itinerary of definite employment and information on any other services planned for the period of time requested. Including more than one alien in a petition. You may include on the same petition multiple aliens who seek admission in the H-2A, H-2B, H-3, P-1, P-2, P-3, P-1S, P-2S, P-3S, O-2, or Q-1 classification(s) provided all all: 1. Be employed for the same period of time; and 2. Perform the same services, receive the same training, or participate in the same international cultural exchange program. Note: Employers must file a separate Form I-129 to petition for O and P essential support personnel apart from any petition they file for O or P principal aliens or P group or team. All essential-support beneficiaries listed on this petition must establish prior essentiality to the principal O or P alien(s). Exception: It is recommended that 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
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	countries... Naming the 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...	participating countries... Naming the beneficiaries. All beneficiaries in a petition must be named except for an H-2A agricultural worker or an H-2B temporary nonagricultural worker. Exceptions for H-2A/H-2B temporary workers: You must provide...
Page 2-4, General Filing Instructions		USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which can be downloaded for free at http://get.adobe.com/reader/. Each petition must be properly signed and filed. A photocopy of a signed petition or a typewritten name in place of a signature is not acceptable. Each petition must be accompanied by the appropriate filing fee(s). (See section of these instructions entitled "What Is the Filing Fee?") Evidence. You must submit all required initial evidence along with all the supporting documentation with your petition at the time of filing. Biometrics Services Appointment for Certain Beneficiaries Who Will be Working in the CNMI. After receiving your petition and ensuring completeness, USCIS will inform you in writing when the beneficiary needs to go to his/her local USCIS Application Support Center (ASC) for his/her biometrics services appointment. Failure to attend the biometrics services appointment may result in denial of your petition. Form I-94. If U.S. Customs and Border Protection (CBP) or USCIS issued the beneficiary a Form I-94, Arrival-Departure Record, provide his/her I-94 admission number and date that his/her authorized period of stay expires or expired (as shown on the Form I-94). The I-94 admission number also is known as the Departure Number on some versions of Form I-94. NOTE: If the beneficiary was admitted to the United States

	<i>[Relocated from pg 18, "General Evidence".]</i> Translations. Any foreign language document must be accompanied by a full English translation that the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate the foreign language into English. Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy (standard 8 1/2 x 11 letter size) may be submitted. Original documents submitted when not required will remain a part of the record. 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 9 Explanation Page, indicate the item number, and date and	by CBP at an airport or seaport after April 30, 2013, he/she may have been issued an electronic Form I-94 by CBP, in which case, he/she would not have received a paper version of Form I-94 upon arrival. To obtain a paper version of Form I-94, the beneficiary should go to the CBP Web site at www.cbp.gov/I94 if he/she has not already done so and follow the instructions. Replacement Forms I-94 issued electronically can also be obtained from the CBP Web site. CBP does not charge a fee for this service. If the beneficiary received Form I-94 from CBP at a land border, or from USCIS in connection with an immigration benefit request (e.g., change of nonimmigrant status, extension of stay request, application for asylum), Form I-94 (initial or replacement) may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Document, with fee, with USCIS. Form I-102 may be filed together with this Form I-129. Copies. Unless specifically required that an original document be filed with a petition, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record, and will not be automatically returned to you. Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. How To Fill Out Form I-129 1. Type or print legibly in black ink. 2. Complete the basic form and any relating supplement(s). 3. If you need extra space to complete any item, go to Part 9, Additional Information About Your Petition for Nonimmigrant
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	sign the sheet. 4. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none." 5. Submit a duplicate copy of the petition and all supporting documentation. Basis for Classification The following is an explanation of the choices listed on Page 2, Part 2, Item 2 of the Form I-129. a. New employment. Check this box if the beneficiary: (1) Is outside the U.S. and holds no classification; (2) Is to begin employment for new U.S. employer in a different nonimmigrant classification than the alien currently holds... b. Continuation of previously approved	Worker, indicate the Page Number, Part Number, and Item Number to which your answer refers, and date and sign each sheet. 4. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," type or print "NA". 5. Submit a duplicate copy of the petition and all supporting documentation. Failure to do so may result in delays in processing this petition or in visa processing abroad. Petitioner Information Complete the "Legal Name of Petitioner" field (if the petitioner is an individual person or a company or organization. For mailing address, please list the address of the petitioner's primary office within the United States. This address will determine the filing jurisdiction if the beneficiary will be providing services or completing training in multiple locations. Basis for Classification The following explains the choices listed in Part 2., Item Number 2. of the Form I-129. a. New Employment. Check this box if the beneficiary: (1) Is outside the United States and holds no classification (2) Will begin employment for a new U.S. employer in a different nonimmigrant classification than the beneficiary currently holds... Note: Do not check this box if the beneficiary will work for the same employer in the same classification but there is a material change in the terms and conditions of employment or training or the beneficiary's eligibility as specified in the original approved petition. Check the box for Item f., Amended Petition instead. b. Continuation of previously approved
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	employment without change with the same employer. Check this box if applying to continue employment ... c. Change in previously approved employment. Check this box if applying to notify USCIS of a non-material ... d. New concurrent employment. Check this box if applying for a beneficiary ... e. Change of employer. Check this box if applying for a beneficiary ... f. Amended Petition. Check this box if applying ... 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 Form I-129. Choose only one action. 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. 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. 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.	employment. Check this box if you are applying to continue the employment. . . c. Change in previously approved employment. Check this box if you are notifying USCIS of a non-material change... d. New concurrent employment. Check this box if you are applying for a beneficiary... e. Change of employer. Check this box if you are applying for a beneficiary... f. Amended petition. Check this box if you are applying... Requested Action The following explains the kinds of action petitioners/employers may choose for Part 2., Information About This Petitioner, Item Number 4. of Form I-129. Choose only one action. a. Notify the office listed in Part 4 so the (beneficiary(ies) can seek a visa or admission. Check this box if the beneficiary is outside of the United States, or, if the beneficiary is currently in the United States, but he or she will leave the United States to obtain a visa/admission abroad. b. Change the status and extend the stay of beneficiaries who are now in the United States 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. Exception: If the beneficiary seeks to change status to H-1B1 Chile/Singapore or TN classification, see Item f. below. c. Extend the stay of each beneficiary who now holds 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. Exception: If the person is in H-1B1
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	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. e. Extend the status of a nonimmigrant classification based on a Free Trade Agreement... f. Change status to a nonimmigrant classification based on a Free Trade Agreement... Requirement to Certify Compliance with U.S. Export Control Regulations. The U.S. Government requires each company or other entity to certify that it has reviewed the EAR and ITAR and determined whether it will require a U.S. Government export license to release controlled technology or technical data to the beneficiary. If an export license is required, then the company or other entity must further certify that it will not release or otherwise provide access to controlled technology or technical data to the beneficiary until it has received from the U.S. Government the required authorization to do so. The petitioner must indicate whether or not a license is required on Page 5, Part 6 of Form I-129. Controlled Technology and Technical Data. ...Information about the ITAR and how to apply for a license from DDTC are at www.pmdtc.gov. Specific information about	Chile/Singapore or TN classification, see Item e. below. d. Amend the stay of each beneficiary who now holds this status. Check this box if the beneficiary is currently in the United States in the same nonimmigrant classification and you are notifying USCIS of any material changes in the terms and conditions of employment, training or the beneficiary's eligibility as specified in the original approved petition. e. Extend the status of a nonimmigrant classification that is based on a Free Trade Agreement... f. Change status to a nonimmigrant classification that is based on a Free Trade Agreement... Requirement to Certify Compliance with U.S. Export Control Regulations. The U.S. Government requires each company or other entity that files a Form I-129 to certify that to the best of its knowledge at the time of filing it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and determined whether it will require a U.S. Government export license to release controlled technology or technical data to the beneficiary. If an export license is required, the company or other entity must further certify that it will not release or otherwise provide access to controlled technology or technical data to the beneficiary until it has received the required authorization from the U.S. Government. The petitioner must indicate whether or not a license is required in Part 6. Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States, of Form I-129. Controlled Technology and Technical Data. ...Information about the ITAR and how to apply for a license from DDTC are at www.pmdtc.state.gov.
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	the ITAR's requirements pertaining to the release of controlled technical data is at http://www.pmddtc.state.gov/faqs/license_for_eignpersons.html.	
Page 4-5, Classification – Initial Evidence	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 United States, the petitioner may submit copies of the last 2 pay stubs and, when available, Form W-2, as well as a copy of the Form I-94 or I-797, Approval Notice... 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 the petition... 6. 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)... Part 1: Petition Always Required ...E-2 CNMI An E-2 CNMI investor is an alien seeking to enter or remain in the Commonwealth of Northern Mariana Islands (CNMI) 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 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 eligible alien to be lawfully present in the CNMI in order to maintain the investment during the transition period from CNMI to Federal immigration law. Nationality of the investor is not a qualifying factor in the issuance of an E-2 CNMI investor classification.	For all classifications. . . the petitioner may submit copies of the beneficiary's last 2 pay stubs, Form W-2, and other relevant evidence, as well as a copy of the beneficiary's Form I-94, passport, travel document, or I-797... A nonimmigrant, who must have a passport to be admitted, generally must maintain a valid passport during his or her entire stay... 6. A J-1 exchange visitor who was admitted in J-1 status for the purpose of receiving graduate medical training ... Part 1: Petition Always Required ...E-2 CNMI An E-2 CNMI investor is an alien who seeks to enter or remain in the Commonwealth of the Northern Mariana Islands (CNMI) 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 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 eligible alien to be lawfully present in the CNMI in order to maintain the investment during the transition period from CNMI to Federal immigration law. An investor's nationality is not a qualifying factor in the issuance of an E-2 CNMI investor classification.

	A petition for the initial issuance of an E-2 CNMI investor classification must be filed within 2 years of the date the E-2 CNMI investor classification becomes available. Petitions for the initial issuance of the E-2 CNMI filed after this period will be rejected... The petition must be filed with documentary evidence of: 1. Qualifying CNMI immigration status as evidenced by a properly endorsed, unexpired CNMI admission document (e.g., entry permit or certificate) reflecting lawful admission to the CNMI under CNMI immigration laws in one of the following status: A. Long-term business investor status as evidenced by a Long-Term Business Certificate; B. Foreign investor status as evidenced by a Foreign Investment Certificate; C. Retiree investor status as evidenced by a Foreign Retirees Investment Certification or a Foreign Retiree Investment Certificate. 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: A. For a holder of a foreign investment or	This classification expires on December 31, 2014. A petition for the initial issuance of an E-2 CNMI investor classification must be filed within 2 years of the date the E-2 CNMI investor classification became available, which was January 18, 2011. Petitions for the initial issuance of the E-2 CNMI filed after January 18, 2013 will be rejected... The petition must be filed with documentary evidence of: 1. Continuous maintenance of the terms and conditions of E-2 CNMI investor nonimmigrant status; 2. Physical presence in the CNMI at the time of filing of the extension of stay request; and 3. The fact that the beneficiary will not leave during the pendency of the extension of stay request. [Deleted.]
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	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; B. For a retiree investor: evidence that he or she has an interest 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). 3. Continuous maintenance of residence in the CNMI. The investor must establish that he or she has maintained residence within the CNMI since being lawfully admitted as a long-term investor. Additionally, he or she must establish physical presence in the CNMI for periods totaling at least half of that time. Absence from the CNMI for any period of more than 6 months but less than 1 year after such lawful admission shall break the continuity of such residence, unless the subject alien establishes to the satisfaction of DHS that he or she did not in fact abandon residence in the CNMI during such period. Absence from the CNMI for any period of more than 1 year during the period for which continuous residence is required shall break the continuity of such residence.	
Page 5-6, Classification – Initial Evidence (cont)	<u>H-1B (3 Types)</u> An H-1B is an alien coming temporarily to perform services in a specialty occupation... The petition must be filed by the U.S. employer and must be filed with... 3. Evidence showing that the beneficiary has	Page 7, <u>H-1B Nonimmigrants (Three Types)</u> The H-1B classification is for aliens coming to the United States temporarily to perform services in a specialty occupation... The petition must be filed by a U.S. employer or a U.S. agent and must be filed with... 3. Evidence showing that the beneficiary has

	the required degree by submitting either: A. A copy of the beneficiary's U.S. baccalaureate or higher degree as required by the specialty occupation; B. A copy of a foreign degree and evidence that it is equivalent to the U.S. degree; or C. Evidence of education and experience that is equivalent to the required U.S. degree... 6. Off-site Assignment of H-1B Beneficiaries: Petitioners seeking to place the H-1B beneficiary off-site at a location other than their own location must answer general questions regarding this assignment on page 19, relating to: actual or prevailing wage; and 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. Petitioners should advise the H-1B beneficiary of the off-site work site placement. Additionally, petitioners should submit an itinerary that shows the dates and places of assignment if the beneficiary will be providing services at more than one location. 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). Write H-1B2 in the classification block. A U.S. employer may file the petition. The petition must be filed with: 1. A description of the proposed employment; 2. Evidence that the services and project meet the above conditions; 3. A statement listing the names of aliens who	the required degree by submitting either: a. A copy of the beneficiary's U.S. bachelor's or higher degree as required by the specialty occupation; b. A copy of a foreign degree and evidence that it is equivalent to the U.S. degree; or c. Evidence of education, specialized training, and/or progressively responsible experience that is equivalent to the required U.S. degree... 6. Off-site Assignment of H-1B Beneficiaries: Petitioners seeking to place the H-1B beneficiary off-site at a location other than their own location must answer general questions regarding this assignment in Part 5., Basic Information About the Proposed Employment and Employer. Petitioners should advise the H-1B beneficiary of the off-site work placement. Additionally, petitioners should submit an itinerary that shows the dates and places of assignment if the beneficiary will be providing services at more than one location. The H-1B classification is also for aliens coming to the United States to perform services of an exceptional nature relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD). Write H-1B2 in the classification block. A U.S. employer or U.S. agent may file the petition. The petition must be filed with: 1. A description of the proposed employment; 2. Evidence that the services and project meet the above conditions; 3. A statement listing the names of aliens
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	are currently or have been employed on the project within the past year, along with their dates of employment; and 4. Evidence that the beneficiary holds a baccalaureate or higher degree in the field of employment. 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. Write H-1B3 in the classification block. The petition must be filed by a U.S. employer or agent. Evidence must be submitted to establish that the beneficiary will be performing services, events or productions of a distinguished reputation, including: 1. Documentary evidence (such as certifications, affidavits, reviews) to establish the beneficiary is a fashion model of distinguished merit and ability. Affidavits submitted by present or former employers or recognized experts must set forth the expertise of the affiant and the manner in which the affiant acquired such information; and 2. Copies of any written contracts between the petitioner and the beneficiary or, if there is no written agreement, a summary of the terms of the oral agreement under which the beneficiary will be employed. Three laws have been enacted which impact the filing of H-1B and/or L visa petitions. These laws are the American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277 (signed into law on October 21, 1998), the Visa Reform Act of 2004 (signed into law on December 8, 2004) and Public Law 111-230 (signed into law on	who are currently or have been employed on the project within the past year, along with their dates of employment; 4. Evidence that the beneficiary holds a bachelor's or higher degree or its equivalent in the field of employment; and 5. A verification letter from the DOD project manager. Details about the specific project are not required. The H-1B classification is also for aliens of distinguished merit and ability in the field of fashion modeling. Write H-1B3 in the classification block. The petition must be filed by a U.S. employer or U.S. agent. The petitioner must submit evidence that establishes the beneficiary will perform services at events or productions of a distinguished reputation. Such evidence includes: 1. Documentary evidence (such as certifications, affidavits, and reviews) to establish the beneficiary is a fashion model of distinguished merit and ability. Any affidavits submitted by present or former employers or recognized experts must set forth their expertise of the affiant and the manner in which the affiant acquired such information; and 2. Copies of any written contracts between the petitioner and the beneficiary or, if there is no written agreement, a summary of the terms of the oral agreement under which the beneficiary will be employed. <u>General H-1B Requirements</u> Three relevant laws impacting the filing of H-1B and/or L visa petitions; include: 1. The American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277 (signed into law on October 21, 1998);
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	August 13, 2010). Because of ACWIA, an H-1B or H-1B1 Free Trade Nonimmigrant petitioner must complete the H-1B supplement form, which is part of this petition. The supplement is used to collect additional information about the H-1B nonimmigrant worker and the H-1B petitioner (U.S. employer). (The supplement was formerly issued separately as Form I-129W.) Moreover, H-1B and H-1B1 petitioners must complete the H-1B Data Collection and Filing Fee Exemption Supplement to determine applicability of the fees mandated by the ACWIA, H-1B Visa Reform Act and/or Public Law 111-230. The H-1B Visa Reform Act of 2004 imposes a Fraud Prevention and Detection Fee of \$500 for certain H or L petitions. On or after March 8, 2005, a U.S. employer seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another U.S. employer, must submit this additional \$500 fee. This fee does not apply to H-1B1 petitions. The Form I-129 will serve as the vehicle for collection of the \$500 fee. Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional \$2,000 (H-1B) or \$2,250 (L-1) fee mandated by Public Law 111-230 if: 1. the petitioner employs 50 or more individuals in the United States; 2. more than 50% of those employees are in H-1B or L nonimmigrant status; and 3. the petition is filed before October 1, 2014.	2. The Visa Reform Act of 2004 (signed into law on December 8, 2004); and 3. Public Law 111-230 (signed into law on August 13, 2010), as amended by Public Law 111-347 (signed into law January 2, 2011). Because of ACWIA, H-1B and H-1B1 free trade nonimmigrant petitioners must complete the H-1B Data Collection and Filing Fee Exemption Supplement, which is part of this petition. We use this supplement (formerly issued separately as Form I-129 W) to collect additional information about the H-1B nonimmigrant workers and the H-1B petitioners and to determine the applicability of fees mandated by the ACWIA, Visa Reform Act and/or Public Law 111-230. Moreover, H-1B and H-1B1 petitioners must complete the H-1B Data Collection and Filing Fee Exemption Supplement to determine applicability of the fees mandated under section 214(c)(9) and (12) of the INA, the ACWIA, H-1B Visa Reform Act, and/or Public Law 111-230, as amended by Public Law 111-347. A petitioner seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another employer, must submit an additional \$500 Fraud Prevention and Detection fee. This fee does not apply to H-1B1 petitions. The Form I-129 will serve as the vehicle for collection of the \$500 fee. Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional \$2,000 (H-1B) or \$2,250 (L-1) fee mandated by Public Law 111-230, as amended by Public Law 111-347, if: 1. The petitioner employs 50 or more individuals in the United States; 2. More than 50 percent of those employees are in H-1B or L-1A or L-1B nonimmigrant status; and 3. The petition is filed before October 1, 2015.
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**Page 7-8,
Classification – Initial
Evidence (cont)**

The Fraud Prevention and Detection Fee and Public Law 111-230 fee, when applicable, may not be waived, and each fee should be submitted in separate checks or money orders.

To determine whether a petitioner is subject to any of these three fees, the petitioner must complete the H-1B and H1B1 Data Collection and Filing Fee Exemption Supplement discussed below.

H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement.

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.

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.)

Page 9,

The Fraud Prevention and Detection Fee and Public Law 111-230 fee, when applicable, may not be waived. Each fee should be submitted by separate check or money order.

To determine if they are subject to any of these three fees, petitioners must complete the H-1B and H1B1 Data Collection and Filing Fee Exemption Supplement discussed below.

H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement

A U.S. employer or U.S. agent who seek to place a beneficiary in H-1B classification (including H-1B1 classification for free trade aliens from Chile and Singapore) must file this supplement.

The supplement is used to:

- 1. Collect additional information about the H-1B employer and beneficiary; and**
- 2. Determine the appropriate American Competitiveness and Workforce Improvement Act (ACWIA) fee. The ACWIA Fee is a training fee meant to fund the training of U.S. workers. But if the employer has fewer than 25 full-time employees, they must pay only one-half of the required fee at INA 214(c)(9)(B). It also helps to determine whether the beneficiary is subject to the H-1B numerical limitation (also known as the H-1B Cap). Please note that the ACWIA fee may not be assessed to the beneficiary.**

Who is required to submit this supplement?

A U.S. employer or U.S. agent seeking to classify a beneficiary as an H-1B or H-1B1 Free Trade Nonimmigrant worker must file this supplement with the Form I-129 and the appropriate fee. (See **Part 3., What is the Filing Fee?**, for more information about the appropriate fee.)

	Completing Part A of the Supplement Form. 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. 1. H-1B Dependent employer. An “H-1B dependent employer means an employer that... NOTE: As of February 17, 2009, U.S. employers who received funding under the Troubled Assets Relief Program (TARP), as described in the Employ American Workers Act (sec. 1611 of Div. A, Title XVI of Public Law 111-5) and seek to hire an H-1B nonimmigrant must comply with the H-1B Dependent Employer provisions. The H-1B Dependent Employer provisions apply <u>regardless</u> of whether such U.S. employers are seeking exempt H-1B nonimmigrants. 2. Willful Violators... 3. Exempt H-1B nonimmigrant... 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). 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. 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.	Completing Section 1. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement Form All petitioners who seek to classify a beneficiary as an H-1B or H-1B1 free trade nonimmigrant worker must answer every question in Item Number 1. of Section 1., General Information. Guidance on how to answer these questions follows. 1. H-1B dependent employer. An “H-1B dependent employer” is an employer that... [Deleted.] 2. Willful violators... 3. Exempt H-1B nonimmigrant... [Deleted.] 4. Highest level of formal education. In Item Number 2. of Section 1., place an “X” in the appropriate box that most closely reflects the highest level of formal education the beneficiary has attained. 5. 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 field of study.
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	7. Master's or higher degree from a U.S. institution of higher education... 8. Rate of pay per year. The "rate of pay" is the salary or wages paid to the beneficiary. Salary or wages must be expressed in an annual full-time amount and do not include non-cash compensation or benefits. For example, an H-1B worker is to be paid \$6,500 per month for a 4-month period, including a health benefits package and transportation. The yearly rate of pay if he or she were working for a full year would be 12 times the monthly rate, or \$78,000. This amount does not include health benefits or transportation costs. The figure \$78,000 should be entered on this form as the rate of pay. 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. 10. NAICS Code...	6. Master's or higher degree from a U.S. institution of higher education... 7. Rate of pay per year. The "rate of pay" is the salary or wages paid to the beneficiary. Salary or wages must be expressed in an annual full-time amount and do not include non-cash compensation or benefits. For example, an H-1B worker is to be paid \$6,500 per month for a 4-month period and also provided separately a health benefits package and transportation during the 4-month period. The yearly rate of pay if he or she were working for a full year would be 12 times the monthly rate, or \$78,000. This amount does not include health benefits or transportation costs. The figure \$78,000 should be entered on this form as the rate of pay. 8. DOT Code. The DOT Code is a three-digit occupational group for professional, technical, and managerial occupations and fashion models that can be obtained from the Dictionary of Occupational Titles. A reference chart can be found on our Web site at www.uscis.gov. 9. NAICS Code...
Page 8, Classification – Initial Evidence (cont.)	Completing Part B of the Supplemental Form. 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 conditions are present: 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. 1001 (a); 2. The employer is a nonprofit organization	Completing Section 2. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form Petitioners must complete Section 2., Fee Exemption and /or Determination, to determine whether they must pay the ACWIA fee. This fee is either \$1,500 or \$750, depending on the number of workers the petitioner employs. The petitioner is exempt from payment of the ACWIA fee if it is at least one of the following conditions apply: 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. 1001 (a); 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. 1001(a). Such a nonprofit organization or entity includes, but is not limited to, hospitals and medical research institutions. NOTE: "Related to" or "affiliated with" means the entity is: 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 B. Attached to the institution of higher education as a member, branch, cooperative, or subsidiary. 3. The employer is a nonprofit research organization or governmental research organization that is primarily engaged in basic research and/or applied research; NOTE: "Nonprofit organization or entity" means the organization or entity is: 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 B. Has been approved as a tax-exempt organization for research or educational purposes by the Internal Revenue Service; or 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. 4. This petition is the second or subsequent request for an extension of stay filed by	or entity related to, or affiliated with an institution of higher education. Institutions of higher education as defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. 100(a) are defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. 1001(a). Such nonprofit organizations or entities include, but are not limited to, hospitals and medical research institutions. NOTE: "Related to" or "affiliated with" means the entity is: a. Connected or associated with the institution of higher education through shared ownership or control by the same board or federation; b. Operated by the institution of higher education; or c. Attached to the institution of higher education as a member, branch, cooperative, or subsidiary. 3. The employer is a nonprofit research organization or governmental research organization that is primarily engaged in basic research and/or applied research; NOTE: "Nonprofit organization or entity" means the organization or entity is: a. Defined as a tax-exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), (c)(4), or (c)(6) (codified at 26 U.S.C. 501(c)(3), (c)(4), or (c)(6)); and b. Has been approved as a tax-exempt organization for research or educational purposes by the Internal Revenue Service. [Deleted.] 4. This petition is the second or subsequent request for an extension of stay filed by the
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	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; 5. This petition is an amended petition that does not contain any requests for extension of stay filed by the employer; 6. This petition is being filed to correct a USCIS error; 7. The employer is a primary or secondary education institute; 8. The employer is a nonprofit entity which engages in an established curriculum-related clinical training or students register at the institution. What evidence is required under Part B? 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. Completing Part C of the Supplemental Form All petitioners must complete Part C to determine whether the beneficiary is subject to the H-1B cap. 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.	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; 5. This petition is an amended petition that does not contain any requests for extension of stay; 6. This petition is being filed to correct a USCIS error; 7. The employer is a primary or secondary education institution; 8. The employer is a nonprofit entity which engages in an established curriculum-related clinical training for students registered at the institution of higher education. What evidence is required under Section 2.? Petitioners claiming an exemption from the \$1,500 or \$750 filing fee must submit evidence showing the organization or entity is exempt from the filing fee. Completing Section 3. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form All petitioners must complete Section 3, Numerical Limitation Information, to determine whether the beneficiary is subject to the H-1B cap. Public Law 110-229 provides that nonimmigrant workers admitted to Guam or CNMI are exempt from the statutory caps for the H visa programs through December 31, 2014. 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.
Page 9, Classification – Initial Evidence (cont)	<u>H-1C</u> An H-1C is an alien coming temporarily to	[Deleted.]

perform services as a registered nurse at a qualifying health care facility. This classification expired on December 20, 2009.

Write **H-1C** in the classification requested block on the petition.

Petitioners should complete and sign relevant sections of the H Classification Supplement and additionally submit evidence that the beneficiary:

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 credentialing organization;
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 that 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 that provides health care services. 6. The following must also be submitted: 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; B. 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 INA; D. The employment contract; and E. Evidence of each beneficiary's previously granted classification in the past 3 years if he or she was in the United States during this time. Completing Section 2 of the H Classification Supplement to Form I-129 All petitioners seeking workers in H-1C classification must complete Section 2 of the H classification to Form I-129 (page 12 of the form).	
Page 9-10, Classification – Initial Evidence (cont)	<u>H-2A</u> An H-2A is an alien coming temporarily to perform agricultural labor or services of a temporary or seasonal nature. Write H-2A in the classification block. on the petition.	Page 11, <u>H-2A Nonimmigrants</u> The H-2A classification is for aliens coming to the United States temporarily to perform agricultural labor or services of a temporary or seasonal nature. Write H-2A in the classification block.

	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: 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. *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).	The petition may be filed by: 1. The employer listed on the temporary labor certification; 2. The employer's agent; or 3. The association of U.S. agricultural producers named as a joint employer on the temporary labor certification. The petitioner, employer (if different from the petitioner), and each joint employer must complete and sign the relevant sections of the H Classification Supplement. Handwritten signatures must be original. Additionally, the petitioner must submit: 1. A single valid temporary labor certification from the U.S. Department of Labor;* and 2. Evidence showing that each named beneficiary meets the minimum job requirements stated in the temporary labor certification at the time the certification application was filed. * Under certain emergent circumstances, as determined by USCIS, petitions requesting a continuation of employment with the same employer for 2 weeks or less are exempt from the temporary labor certification requirement. See 8 CFR 214.2(h)(5)(x). E-Verify and H-2A Petitions In certain cases, H-2A workers may start work immediately after a petitioner files a Form I-129 on their behalf. This may happen only if: 1. The petitioner is a participant in good standing in the E-Verify program; and 2. The requested workers are currently in the United States in a lawful nonimmigrant status, and are either: a. Changing status to H-2A, or b. Extending their stay in H-2A status by
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	<u>H-2B</u> 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. Write H-2B in the classification block on the petition. 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. 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.). *NOTE: Petitions filed on behalf of Canadian musicians who will be performing for 1 month or less within 50 miles of the U.S.-Canadian border do not require a temporary labor certification.	changing employers. If the petitioner and the requested H-2A workers meet these criteria, provide the E-Verify Company ID or Client Company ID in Section 2., Complete This Section If Filing For H- 3 Classification, of the H Classification Supplement. See 8 CFR 274a.12(b)(21) for more information. <u>H-2B Nonimmigrants</u> The H-2B classification is for aliens coming to the United States temporarily to engage in nonagricultural services or labor that is based on the employer's seasonal, intermittent, peak load, or one-time need. Write H-2B in the classification block. 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 and employer (if different from the petitioner) must complete and sign the relevant sections of the H Classification Supplement. Handwritten signatures must be original. Additionally, the petitioner must submit: 1. An approved temporary labor certification from the U.S. Department of Labor (or the Governor of Guam, if the employment will occur in Guam);** and 2. Evidence showing that each named beneficiary meets the minimum job requirements, if any, stated on the temporary labor certification. ** Petitions filed on behalf of Canadian musicians who will be performing for 1 month or less within 50 miles of the U.S.- Canadian border do not require a temporary labor certification. Petitions which require work in the jurisdictions of both the U.S. and Guam Departments of Labor must submit an approved temporary labor certification from each agency.
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		H-2B Start Date A petition for H-2B workers must request an employment start date that matches the start date approved by the Department of Labor on the temporary labor certification. Petitions without matching start dates may be denied. This does not apply to amended petitions where the employer is seeking to substitute H-2B workers using the same temporary labor certificate. <u>Additional Information Regarding H-2A and H-2B Petitions</u> Naming Beneficiaries Generally, you may request unnamed workers as beneficiaries of an H-2A or H-2B petition. You may also request some named and some unnamed workers, as long as you are requesting the same action for each worker. However, the total number of workers you request on the petition must not exceed the number of workers approved by the Department of Labor or Guam Department of Labor , if required, on the temporary labor certification. Workers must be named if you request workers who: 1. Are currently in the United States; 2. Are nationals of countries that are not on the eligible countries list (see link and information below); or 3. Must meet minimum job requirements as described on the temporary labor certification. Eligible Countries List H-2A and H-2B petitions may generally only be approved for nationals of countries that the Secretary of Homeland Security has designated, with the concurrence of the Secretary of State, as eligible to participate in the H-2 program. The latest list of eligible countries is located at www.uscis.gov/h-2a and www.uscis.gov/h-2b.
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		Nationals of countries that are not eligible to participate in the H-2 program may still be named as beneficiaries on an H-2A or H-2B petition. To do so, you must: 1. Name each beneficiary who is not from an eligible country; and 2. Provide evidence to show that it is in the U.S. interest for the alien to be the beneficiary of such a petition. USCIS' determination of what constitutes U.S. interest takes into account certain factors, including but not limited to: 1. Evidence demonstrating that a worker with the required skills is not available from among foreign workers from a country currently on the eligible countries list; NOTE: Also, for H-2A petitions only, evidence demonstrating that a <i>U.S. worker</i> with the required skills is not available. 2. Evidence that the beneficiary has been admitted to the United States previously in H-2A or H-2B status; 3. The potential for abuse, fraud, or other harm to the integrity of the H-2A or H-2B visa program through the potential admission of a beneficiary from a country not currently on the eligible countries list; and 4. Such other factors as may serve the U.S. interest. Prohibited Fees As a condition of approval of an H-2A or H-2B petition, no job placement fee or other compensation (either direct or indirect) may be collected at any time from a beneficiary of an H-2A or H-2B petition. This includes collection by a petitioner, agent, facilitator, recruiter, or similar employment service, as a condition of employment, whether before or after the filing or approval of a petition. Unless the payment of such fees by a worker is prohibited under law, the only exceptions to
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		this are: 1. The lower of the actual cost or fair market value of transportation to the offered employment; and 2. Any government-mandated passport, visa, or inspection fees. If USCIS determines any of the following have occurred, the petition will be denied or revoked. The only exceptions to a mandatory denial or revocation are found at 8 CFR 214.2(h)(5)(xi)(4) and 8 CFR 214.2(h)(6)(i)(B)(4): 1. You collected, or entered into an agreement to collect, prohibited fees as described above; 2. You knew, or should have known, at the time of filing the petition that the beneficiary paid, or agreed to pay, any agent, facilitator, recruiter, or similar employment service as a condition of employment; 3. The beneficiary paid you prohibited fees or compensation as a condition of employment after the petition was filed; or 4. You knew, or had reason to know, that the beneficiary paid, or agreed to pay, the agent, facilitator, recruiter, or similar employment service prohibited fees after the petition was filed. The petition should be filed with evidence that indicates the beneficiaries have not paid, and will not pay, prohibited fees to the best of your knowledge. Page 14, Interrupted Stays Interrupted stays are certain periods of time that a worker spends outside the United States during an authorized period of stay in H-2A or H-2B status. An interrupted stay does not count toward the worker's maximum 3-year limit in the classification.
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An H-2A or H-2B worker may qualify for an interrupted stay under the following conditions:

If the worker was in the United States in H-2 status for an aggregate period of:	Then H-2 time is interrupted if he or she is outside the United States for:
18 months or less	at least 45 days,
More than 18 months, but less than 3 years	at least 2 months,

Time in H-2A or H-2B status is not automatically interrupted if the worker departs the United States. It is considered interrupted only if the guidelines in the above chart are met. For more on interrupted stays, see www.uscis.gov.

Notification Requirements.

By filing an H-2A or H-2B petition, you agree to notify USCIS within 2 work days if an H-2A or H-2B worker:

1. Fails to report to work within 5 workdays after the employment start date stated on the petition or within 5 workdays after the start date as established by the H-2A employer, whichever is later;
2. Completes the labor or services more than 30 days earlier than the employment end date stated on the petition;
3. Absconds from the worksite; or
4. Is terminated prior to the completion of the services or labor.

Failure to comply with this agreement may result in penalties. See www.uscis.gov for more information.

Filing Multiple Petitions

You generally may file one petition to request all of your H-2A or H-2B workers associated with one temporary labor certification. In cases where filing a separate petition is not

		required, it may be advantageous to file more than one H-2A or H-2B petition instead. This can occur when you petition for multiple workers, some of whom may not qualify for part or all of the validity period you request. This most frequently occurs when: 1. Some of the workers you request are not nationals of a country on the eligible countries list; 2. You request interrupted stays for workers; or 3. At least one worker is nearing the 3-year maximum stay limit. If we request additional evidence because of these situations, it may delay petition processing. Filing separate petitions for workers who are not affected by these scenarios may enable you to quickly obtain some workers, if they are otherwise eligible, in the event that the petition for your other workers is delayed. If you decide to file more than one petition with the same temporary labor certification, you may do so if: 1. One petition is accompanied by the original temporary labor certification; 2. The total number of beneficiaries on your petitions does not exceed the total number of workers approved by the U.S. Department of Labor on the temporary labor certification; and 3. The other petitions are accompanied by copies of the same temporary labor certification, along with an attachment explaining why the original was not submitted. <u>H-3 Nonimmigrants</u> (Two Types) The H-3 classification is for aliens coming to the United States temporarily to participate in a special education exchange visitor program in the education of children with physical, mental, or emotional disabilities. Write H-3 in the classification block.
	H-3 (Two types) 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. Write H-3 in the classification block.	

	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... An H-3 is also an alien who is coming to the United States temporarily to receive training from an employer in any field other than graduate medical education or training...	Any custodial care of the children must be incidental to the training program. The petition must be filed by a 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 training and hands-on experience to participants in the special education exchange visitor program. The petition must be filed with... The H-3 classification is also for aliens who are coming to the United States temporarily to receive training from an employer in any field other than graduate medical education or training...
Page 10-11, Classification – Initial Evidence (cont)	L-1 (2 Types) 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 1 continuous year within the last 3 years... Write L-1A in the classification block. 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. 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 specialize knowledge capacity) for at least 1 continuous year within the last 3 years. Specialized knowledge is special knowledge of the petitioning employer's product, service, research, equipment, techniques,	Page 15, L-1 <u>Nonimmigrants</u> (Two Types) The L-1A classification is for aliens coming to the United States 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 1 continuous year within the last 3 years. In the case of an L-1A beneficiary who is coming to the United States to set up a new office, the 1 year of experience abroad must have been in an executive or managerial capacity. Write L-1A in the classification block. Either 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. The L-1B classification is for aliens coming to the United States 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 capacity that was managerial or executive in nature, or one that required specialized knowledge for at least 1 continuous year within the last 3 years. Specialized knowledge is either: (a) special knowledge of

	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... General L Classification Requirements Either the U.S. or foreign employer may file the petition. The petition must be submitted with: 1. Evidence establishing the existence of the qualifying relationship between the U.S. and foreign employer based on ownership and control, such as: 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 of the evidence submitted. ...2.A letter from the beneficiary's foreign qualifying employer detailing his or her dates of employment, job duties, and qualifications, along with supporting documentary evidence; and.... Evidence for a New Office If the beneficiary is coming to the United States to open a new office, additional evidence must be submitted to show that the employer:	the petitioning employer's product, service research, equipment, techniques, management, or other interests and its application in international markets <i>or</i> (b) an advanced level of knowledge or expertise in the employing organization's processes or procedures. NOTE: In the case of blanket petitions, the L-1B must be a specialized knowledge professional. There is no requirement, however, that the person have acted in a "professional capacity" while abroad for purposes of meeting the one-year requirement. Write L-1B in the classification block. General L Classification Requirements Either a U.S. or foreign employer may file the petition. The petition must be filed with: 1. Evidence establishing the existence of the qualifying relationship between the U.S. and foreign employer based on ownership and control, such as: 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 of the evidence submitted. 2. Evidence of the beneficiary's employment for the required one year abroad in, as applicable, a managerial, executive, or specialized knowledge capacity. Such evidence may include, but is not limited to, a letter from the beneficiary's foreign qualifying employer detailing his or her dates of employment, job duties, and qualifications, along with supporting documentary evidence; and.... Page 16, Evidence for a New Office In addition to the evidence required under the "General L Classification Requirements" section above, if the beneficiary is coming to the United States to open or to be employed in
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	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 which shows: A. Size of U.S. investment; B. The organizational structure of both firms; and C. The financial size and condition of the foreign employer. 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 1 year. NOTE: There are additional fees associated with certain L-1A and L1B petitions. Please see the “What is the Filing Fee?” section of these forms instructions for further information about these fees...	a new office in the United States, the petitioner must submit evidence to show the following: For managerial or executive capacity (L-1A): 1. Sufficient physical premises to house the new office have been secured; 2. The beneficiary has been employed for one continuous year in the 3-year period preceding the filing of the petition in an executive or managerial capacity and that the proposed employment involves executive or managerial authority over the new operation; and 3. The intended U.S. operation, within 1 year of approval, will support an executive or managerial position. This statement should be supported by information regarding: a. The proposed nature of the office describing the scope of the entity, its organizational structure, and its financial goals; b. The size of the U. S. investment and the foreign entity’s financial ability to remunerate the beneficiary and to commence doing business in the United States; and c. The organizational structure of the foreign entity. For specialized knowledge capacity (L-1B): 1. Sufficient physical premises to house the new office have been secured; and 2. The petitioner has the financial ability to remunerate the beneficiary and to commence doing business in the United States. NOTE: There are additional fees associated with certain L-1A and L1B petitions. Please see the “What is the Filing Fee?” section of these forms instructions for further information about these fees...
Page 12,		Page 16

Classification – Initial Evidence (cont)	O-1A An O-1A is an alien coming temporarily who has extraordinary ability in the sciences...: 1. A written consultation from a peer group or labor management organization with expertise in the field. If the above item cannot be obtained, the consultation can be from a person of the petitioner's choosing who has expertise in the beneficiary's area of ability (see General Evidence)... 4. Evidence of the beneficiary's extraordinary ability, such as receipt of major awards or prizes, documentation of the beneficiary's membership in associations in the field which require outstanding achievements of their members, 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 a critical or essential capacity for organizations and establishments that have a distinguished reputation. NOTE: If the preceding forms of evidence do not readily apply to the beneficiary's field of endeavor, you may submit other comparable evidence. <u>O-1B</u> An O-1B is an alien coming temporarily... 1. A written consultation from a peer group or a person of the employer's choosing with expertise in the beneficiary's area of ability (see General Evidence)...	<u>O-1A Nonimmigrants</u> The O-1A classification is for aliens coming to the United States temporarily who has extraordinary ability in the sciences... 1. A written consultation from a peer group or labor and/or management organization with expertise in the field (which could include a person or persons with expertise in the field (see Part 3., General Evidence)... 4. Evidence of the beneficiary's extraordinary ability, such as receipt of major nationally or internationally recognized awards or prizes for excellence in the field, documentation of the beneficiary's membership in associations in the field which require outstanding achievements of their members, published material relating to the beneficiary's work, evidence of the beneficiary's original scholarly work or , contributions of major significance to the field, evidence of the beneficiary's high salary within the field, evidence that the beneficiary participated individually on a panel that judges the work of others in the field, or evidence of the beneficiary's prior employment in a critical or essential capacity for organizations and establishments that have a distinguished reputation. NOTE: If the preceding forms of evidence do not readily apply to the beneficiary's field of endeavor, you may submit other comparable evidence. <u>O-1B Nonimmigrants</u> The O-1B classification is for aliens coming to the United States temporarily ... 1. A written consultation from a peer group (which could be a person with expertise in the beneficiary's field), a labor, and/or a management organization (see Part 3., General Evidence)...
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	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... E... F. Evidence that the beneficiary has performed in a lead or starring role for organizations that have a distinguished reputation. NOTE: If the preceding forms of evidence do not readily apply to the beneficiary's field of endeavor, you may submit other comparable evidence. <u>O-2</u> An O-2 is an alien coming temporarily and solely to assist in the performance of an O-1 artist or athlete because he or she performs support services that are integral to the successful performance of the O-1. No test of the U.S. labor market is required. The critical skills and experience with the O-1 must not be of a general nature nor possessed by U.S. workers ... 1. A written consultation (see General	a. Evidence that the beneficiary has performed and will perform as a lead or starring participant in productions or events that have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications contracts, or endorsements; b. Evidence that the beneficiary has achieved national or international recognition for achievements in the field as evidenced by critical reviews or other published materials by or about the individual in major newspapers, trade journals, magazines, or other publications ; c. Evidence that the beneficiary has a record of major commercial or critically acclaimed successes, as evidenced by title, rating, standing in the field, box office receipts, and other occupational achievements reported in publications; d... e... f. Evidence that the beneficiary has performed and will perform in a lead or starring role for organizations that have a distinguished reputation. NOTE: If you are applying for O-1B in the Arts and the preceding forms of evidence do not readily apply to the beneficiary's field of endeavor, you may submit other comparable evidence. <u>O-2 Nonimmigrants</u> The O-2 classification is for aliens coming to the United States temporarily and solely to assist in the performance of an O-1 artist or athlete because he or she performs support services that are integral to the successful performance of the O-1. No test of the U.S. labor market is required. The alien must have critical skills and experience with the O-1 which must not be of a general nature or possessed by U.S. workers ...
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	Evidence)... 2. Evidence of the current essentiality, skills, and experience of the O-2 with the O-1. In the case of a specific motion picture or television production, the evidence must establish that significant production has taken place outside the United States and that the continuing participation of the alien is essential to the successful completion of the production.	1. A written consultation (see Part 3., General Evidence)... 2. Evidence of the current essentiality, critical skills, and experience of the O-2 with the O-1 and evidence that the alien has substantial experience performing the critical skills and essential support services for the O-1 alien. In the case of a specific motion picture or television production, the evidence must establish that significant production has taken place outside the United States, and will take place inside the United States, and that the continuing participation of the alien is essential to the successful completion of the production.
Page 13-14, Classification – Initial Evidence (cont)	<u>P-1A or P-1 Major League Sports</u> 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-1 Major League Sports classification is for major league athletes, minor league sports, and any affiliates associated with the major leagues including, but not limited to baseball, hockey, soccer, basketball, and football. Support personnel include coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters. Write P-1A in the classification. The petition must be submitted with: 1. A written consultation (see General Evidence... 3. Evidence of at least two of the following: A. Substantial participation in a prior season with a major U.S. sports league; B. Substantial participation in a prior season for a U.S. college or university in intercollegiate competition...	<u>Page 18,</u> <u>P-1A or P-1 Major League Sports</u> The P-1A classification is for aliens coming to the United States temporarily to perform at a specific athletic competition as an individual or as part of a group or team participating at an internationally recognized level of performance. P-1 Major League Sports classification is for an association of teams or clubs that compete chiefly among themselves which include major league athletes, minor league sports, and any affiliates associated with the major leagues including but not limited to baseball, hockey, soccer, basketball, and football. Support personnel for Major League Sports include coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters. Write P-1A in the classification block. The petition must be filed with: 1. A written consultation (see Part 3., General Evidence... 3. Evidence of at least two of the following: a. Significant participation in a prior season with a major U.S. sports league; b. Significant participation in a prior season for a U.S. college or university in intercollegiate competition...

	<u>P-1B Entertainer or Entertainment Group</u> A P-1B is an alien entertainer coming temporarily to perform as a member of an entertainment group ... Write P-1B in the classification block. The petition must be submitted with: 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 of or nomination for significant international awards or prizes for outstanding achievement, or evidence of at least three of the following... P-2 A P-2 is an alien coming temporarily to perform ... 1. A written consultation (see General Evidence) from an appropriate labor organization; P-3 A P-3 is an alien coming temporarily to perform... Write P-3 in the classification block. The petition must be submitted with: 1. A written consultation (see General Evidence) from an appropriate labor organization; 2. Evidence that all performances will be culturally unique; and either A. Affidavits, testimonials, or letters from recognized experts attesting to the authenticity of the beneficiary's or group's skills in	<u>P-1B Entertainer or Entertainment Group</u> The P-1B classification is for aliens coming to the United States temporarily to perform as a member of an entertainment group... Write P-1B in the classification block. The petition must be filed with: 1. A written consultation (see Part 3., General Evidence); 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 of or nomination for significant international awards or prizes for outstanding achievement, or evidence of at least two of the following... <u>P-2 Nonimmigrants</u> The P-2 classification is for aliens coming to the United States temporarily to perform... 1. A written consultation (see Part 3., General Evidence)... <u>P-3 Nonimmigrants</u> The P-3 classification is for aliens coming to the United States temporarily to perform... Write P-3 in the classification block. The petition must be filed with: 1. A written consultation (see Part 3., General Evidence); 2. Evidence that all performances will be culturally unique events; and either a. Affidavits, testimonials, or letters from recognized experts attesting to the authenticity of the beneficiary's or group's skills in
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	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. <u>Essential Support Personnel</u> 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 which cannot be readily performed by a U.S. worker and which are essential to the successful performance or services of the principal P-1, P-2, or P-3. The accompanying personnel must have appropriate qualifications, prior experience and critical knowledge of the specific services to be performed by the principal P-1, P-2, or P-3 petition. Write P-1S, P-2S or P-3S as appropriate in the classification block on the petition. The petition must be submitted with: 1. A written consultation (see General Evidence... 4. 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; and...	performing, 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. <u>Essential Support Personnel</u> The P-1S, P-2S and P-3S classifications are for aliens coming temporarily as an essential and integral part of the competition or performance of a principal P-1 athlete, athletic team or entertainment group, P-2, or P-3 entertainer or entertainment group, because they perform support services which cannot be readily performed by a U.S. worker and which are essential to the successful performance or services of the principal P-1, P-2, or P-3. The accompanying personnel must have appropriate qualifications, prior experience and critical knowledge of the specific services to be performed by the principal P-1, P-2, or P-3 petition. The petition must be filed with: Write P-1S, P-2S or P-3S as appropriate in the classification block on the petition. 1. A written consultation (see Part 3., General Evidence... 4. Statements or affidavits from persons with first-hand knowledge that the beneficiary has had experience performing the critical skills and essential support services for the principal P-1, P-2, or P-3; and...
Page 14 – 15, Classification – Initial Evidence (cont)	<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. ..	Page 20, <u>Q-1 Nonimmigrant</u> The Q-1 classification is for aliens coming to the United States temporarily to participate in an international cultural exchange program approved by USCIS for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the

	The petition must be submitted with evidence showing that... 2. Has designated a qualified employee to administer the program and serve as liaison... 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 remunerated the participant(s). To illustrate an established international cultural exchange program, submit program documentation, such as catalogs, brochures, or other types of material. To demonstrate financial ability to remunerated the participant(s), submit your organizations most recent annual report, business income tax return, or other form of certified accountant's report. 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. <u>R-1</u> An R-1 is an alien who is coming temporarily to be employed at least part time... 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:	alien's nationality... The petition must be filed with evidence showing that... 2. Has designated a qualified employee to administer the program and serve as a liaison... 4. Will offer the beneficiary wages and working conditions comparable to those accorded local domestic workers similarly employed; and 5. Has the financial ability to remunerate the participant(s). To demonstrate that the petitioner has an established international cultural exchange program, submit program documentation, such as catalogs, brochures, or other types of material. To demonstrate financial ability to remunerate the participant(s), submit your organization's most recent annual report, business income tax return, or other form of certified accountant's report. If the proposed dates of employment are within the same calendar year of a previously approved Q-1 petition filed for the same international cultural exchange program, a copy of the approval notice for that prior petition may be submitted in lieu of the required evidence about the program described above. <u>R-1 Nonimmigrant</u> The R-1 classification is for aliens coming to the United States temporarily to be employed at least part time... 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 any subsequent amendments or equivalent sections of prior enactments of the IRC, as something other than a religious organization...
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	i... ii... iii... iv... 5. Evidence that the beneficiary has been a member in the religious denomination during at least 2 years immediately preceding...	(1)... (2)... (3)... (4)... 5. Evidence that the beneficiary has been a member in the religious denomination during at least the 2 years immediately preceding...
Page 16 – 17, Classification – Initial Evidence (cont)	Part 2. Petition Only Required for an Alien in the United States to Change Status or Extend Stay The following classifications listed in this Part 2 do not require a petition for new employment if the alien is outside the United States. 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. <u>E-1</u> 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/reciprocity_3726.html for a list of qualifying countries... 1. Ownership and Nationality. Such evidence may include but is not limited to..... 2. Substantial Trade, which is an amount of trade sufficient to ensure a continuous flow	Page 21, Part 2. Petition Only Required for an Alien in the United States to Change Status or Extend Stay The following classifications listed in this Part 2 do not require a petition for new employment if the alien is outside the United States. 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: The beneficiary must be maintaining lawful status in the United States to remain eligible for the benefit sought. <u>E-1 Nonimmigrants</u> The E-1 classification is for aliens who are nationals of a country with which the United States maintains a qualifying treaty or an international agreement, or which has been deemed a qualifying country by legislation, and who are 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/fees/fees_3726.html for a list of qualifying countries... 1. Ownership and Nationality of the E-1 treaty trader. Such evidence may include, but is not limited to,... 2. Substantial Trade. Evidence of substantial trade may include, but is not

	of international trade items between the United States and the treaty country. Such evidence may include copies of ... 3. For E-2 employees only: Executive or Supervisory Duties or special qualification essential to the enterprise, including but not limited to... E-2 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. Write E-2 in the classification block. An E-2 must demonstrate possession and control of funds and the ability to develop and direct the investment enterprise... 1. Ownership and Nationality, including but not limited to... 2. Substantial investment, including but not limited to copies... 3. For E-2 employees only: Executive or Supervisory Duties or special qualifications essential to the enterprise, including but not ...	limited to, copies of ... 3. For E-1 employees only: Executive or Supervisory Duties or special qualification essential to the enterprise. Evidence of such duties or qualifications may include, but is not limited to,... <u>E-2 Nonimmigrants</u> The E-2 classification is for aliens who are nationals of a country with which the United States maintains a qualifying treaty or an international agreement, or which has been deemed a qualifying country by legislation, and who are coming to the United States to develop and direct the operations of an enterprise in which the alien 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/fees/fees_3726.html for a list of qualifying countries. Write E-2 in the classification block. An E-2 must demonstrate possession and control of capital and the ability to develop and direct the investment enterprise... 1. Ownership and Nationality of the E-2 treaty investor. Such evidence may include, but is not limited to, ... 2. Substantial investment. Such evidence may include, but is not limited, to copies... 3. For E-2employees only: Executive or Supervisory Duties or special qualifications essential to the enterprise. Evidence of such duties or qualifications may include, but is not limited to, ... <u>Advice on E-1 and E-2 petitions</u> You must obtain approval from USCIS when substantive changes occur in the terms or
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		conditions of the status of the treaty trader, investor, or E employee. To do this, file Form I-129 and E-1/E-2 Classification Supplement, with fee, and request an extension of stay. You may seek advice from USCIS to determine whether changes in the terms or conditions in E status are substantive. To obtain advice, file Form I-129 and E-1/E-2 Classification Supplement, with fee. Answer “Yes” to the question on the Supplement which asks whether you are seeking advice.
Page 17-18, Classification – Initial Evidence (cont)	<u>Free Trade Nonimmigrants (H-1B1 and TNs)</u> 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 2 stand alone Free Trade Nonimmigrant classifications available... The TN nonimmigrant is a citizen of... 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: 1. A letter from the employer stating the activity to be engaged in, the anticipated length of stay, and the arrangements for remuneration... 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	Page 23, Free Trade Nonimmigrants (H-1B1 and TNs) The Free Trade Nonimmigrant classifications (H-1B1 and TN) are temporary nonimmigrant classifications 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: TN and H-1B1... The TN classification is for aliens who are citizens of Canada and Mexico covered by the North American Free Trade agreement coming to.... Documentary evidence must be submitted if the applicant is a citizen of Canada and is currently outside the United States OR if the applicant is a citizen of Canada or Mexico and is 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: 1. A letter from the employer stating the activity the beneficiary will be engaged in, the anticipated length of stay, and the arrangements for remuneration... Note: While a petition is not required, citizens of Canada who are outside the United States may use this form to apply for TN status. If the applicant is a citizen of Canada or

	and/or the State). A H-1B1 is an alien from Chile or Singapore coming temporarily to perform services in a specialty occupation... All evidence listed on page 5 for H-1B specialty occupation classification and the following supplements must be submitted with the petition: 1. Nonimmigrant Classification Based on a Free Trade Agreement Supplement; and... 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 by the profession and/or the State)... Extension of Stay Extension of Stay For All Except Free Trade Nonimmigrants 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 I-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. NOTE: Family members should use Form I-539 to file for an extension of stay. 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	Mexico and is 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). The H-1B1 classification is for aliens from Chile or Singapore coming to the United States temporarily to perform services in a specialty occupation... All evidence listed in the H Classification Supplement to Form I-129 under Section 1, Complete This Section If Filing for H-1B Classification, as well as evidence listed in the section of the instructions for H-1B specialty occupation classification. The following supplements must be filed with the petition: 1. Nonimmigrant Classification Based on a Trade Agreement Supplement; and... 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 by the profession and/or the state)... Extension of Stay [Deleted.] 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 I-94, Nonimmigrant Arrival/Departure Record, and a letter from the petitioner explaining the reasons for the extension. Consult the regulations that relate to the specific nonimmigrant classification sought. NOTE: Dependent family members should use Form I-539 to file for an extension of stay. A nonimmigrant who must have a passport to be admitted must maintain a valid passport during his or her entire stay. If a required passport is not valid, include a full
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	requesting an extension must be submitted with... 3. A copy of the beneficiary's last 2 pay stubs and W-2, 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 certified by the Department of Labor; 6. If requesting H-2A status, submit a temporary labor certification ... Special Considerations for Beneficiaries Residing in CNMI ...The regulation at 8 CFR 212.4(k) indicates that if the beneficiary is lawfully present in the CNMI as described, the beneficiary may apply for a change of status with this form without having to seek consular processing. In addition to the classification requirements, the petitioner must submit documentation that the beneficiary is currently lawfully present in the CNMI. A petition for a <i>grant of initial</i> status for a beneficiary currently in the CNMI with a CNMI issued permit must be filed on or before November 27, 2011.	explanation with your petition. A petition requesting an extension must be submitted with... 3. A copy of the beneficiary's last 2 pay stubs and most recent W-2, if applicable;... 5. If requesting an extension of H-1B status (including H1B1 Chile/Singapore), evidence that the Department of Labor has certified a labor condition application for the specialty occupation which is valid for the period of time requested. 6. If requesting H-2A status, submit a U.S. Department of Labor approved temporary labor certification ... <u>Special Considerations for Beneficiaries Residing in CNMI</u> ...The regulations indicate that if the beneficiary is lawfully present in the CNMI the beneficiary may apply for a change of status with this form without having to seek consular processing. In addition to the classification requirements, the petitioner must submit documentation that the beneficiary is currently lawfully present in the CNMI. A petition for a grant of initial status for a beneficiary currently in the CNMI with a CNMI issued permit must have been filed on or before November 27, 2011.
Page 18, General Evidence	General Evidence 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. To obtain timely adjudication of a petition,	Page 25, Written Consultation for O and P Nonimmigrants Written consultation. Certain classifications require a written consultation with a recognized peer group, labor, and/ or management organization regarding the nature of the work to be done and the beneficiary's qualifications before USCIS can approve the petition. To obtain timely adjudication of a petition,

	you should obtain a written advisory opinion from an appropriate peer group, union, and/or management organization and submit it with the petition. If you file a petition without the advisory opinion, you should send a copy of the petition and all supporting documents to the appropriate organization when you file the petition with USCIS, and name that organization in the petition. Explain to the organization that USCIS will contact them for an advisory opinion. If an accepted organization does not issue an advisory opinion within a given time period, a decision will be made based upon the evidence of record. If you do not know the name of an appropriate organization with which to consult, indicate that on the petition. However, a petition filed without the actual advisory opinion will require substantially longer processing time. Liability for Return Transportation The immigration and Nationality Act makes a petitioner liable for the reasonable cost of return transportation for an H-1B, H-2B, O, and P beneficiary who is dismissed before the end of the period of authorized employment.	you should obtain a written advisory opinion from an appropriate peer group, labor, and/or management organization and submit it with the petition. If you file a petition without the advisory opinion, you will need to send a copy of the petition and all supporting documents to the appropriate organization when you file the petition with USCIS, and name that organization in the petition. Explain to the organization that USCIS will contact them for an advisory opinion. If you do not know the name of an appropriate organization with which to consult, indicate that on the petition. However, a petition filed without the actual advisory opinion will require substantially longer processing time. Liability for Return Transportation The immigration and Nationality Act makes a petitioner liable for the reasonable cost of return transportation for an H-1B, H-2B, O, and P beneficiary who is dismissed before the end of the period of authorized admission.
Page 22, What Is the Filing Fee?	What Is the Filing Fee? The base filing fee for this petition is \$325. 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 \$325 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. 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	Page 25, What Is the Filing Fee? The base filing fee for this petition is \$325. American Competitiveness and Workforce Improvement Act (ACWIA) fee for certain H-1B and H-1B1 Petitions A petitioner filing Form I-129 for an H-1B nonimmigrant or for a Chile or Singapore H-1B1 Free Trade Nonimmigrant must submit the \$325 petition filing fee and, unless exempt under Section 2. of the H-1B Data Collection and Filing Fee Exemption Supplement, an additional fee of either \$1,500 or \$750. To

	the employer) is only obligated to pay the \$750 fee. A U.S. employer filing Form I-129 who is required to pay the ACWIA fee may make the payment in the form of a single check or money order for the total amount due or as two checks or money orders, one for the ACWIA fee and one for the petition fee. NOTE: On or after March 8, 2005, a U.S. employer seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another U.S. employer, must submit a \$500 fee. This \$500 Fraud Prevention and Detection fee was mandated by the provisions of the H-1B Visa Reform Act of 2004. Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional \$2,000 (H-1B) or \$2,250 (L-1) fee mandated by Public Law 111-230 if: 1. The petitioner employs 50 or more individuals in the United States; 2. More than 50% of those employees are in H-1B or L nonimmigrant status; and 3. The petition is filed before October 1, 2014. The Fraud Prevention and Detection fee and Public Law 111-230 fee, when applicable, may not be waived, and each fee should be submitted in separate checks or money orders. You must include payment of the fee(s) with your submission of this form. Failure to submit the fee(s) when required will result in rejection or denial of your submission. Petitioners for Chile or Singapore H-1B1 Free Trade Nonimmigrants do not have to pay the \$500 Fraud Prevention and Detection Fee or the additional fee required	determine which ACWIA fee to pay, complete Section 2. of the H-1B Data Collection and Filing Fee Exemption Supplement. A petitioner filing Form I-129 who is required to pay the ACWIA fee may make the payment in the form of a single check or money order for the total amount due or as two checks or money orders, one for the ACWIA fee and one for the petition fee. Fraud Prevention and Detection fee for H-1B, L-1, and H-2B Petitions A petitioner seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another petitioner, must submit a \$500 Fraud Prevention and Detection fee. Petitioners for Chile or Singapore H-1B1 Free Trade Nonimmigrants do not have to pay the \$500 fee or the additional fee required under Public Law 111-230. Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional \$2,000 (H-1B) or \$2,250 (L-1) fee mandated by Public Law 111-230, as amended by Public Law 111-347, if: 1. The petitioner employs 50 or more individuals in the United States; 2. More than 50 percent of those employees are in H-1B, L-1A or L-1B nonimmigrant status; and 3. The petition is filed before October 1, 2015.
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	under Public Law 111-230. 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. NOTE: An additional biometric service fee as described in 8 CFR 103.7(b) is required if the alien is lawfully present in the CNMI when applying for an initial grant of E-2C status. After submission of the form, USCIS will notify you about when and where to go for biometric services. NOTE: An additional biometric service fee as described in 8 CFR 103.7(b) is required if the alien is lawfully present in the CNMI when applying for an initial grant of a federal nonimmigrant status. After submission of the form, USCIS will notify you about when and where to go for biometric services. 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. When preparing the check or money order, spell out Department of Homeland Security. Do not use the initials "DHS" or "USDHS." Checks are accepted, subject to collection. An uncollected check will render the petition and any document issued invalid. A charge of \$30 will be imposed if a check in payment of a fee is not honored by the bank on which it is	Employers filing H-2B petitions must submit an additional fee of \$150. You must include payment of the fee(s) with your submission of this form. Failure to submit the fee(s) when required will result in rejection or denial of your submission. NOTE: The Fraud Prevention and Detection fee and Public Law 111-230 fee, when applicable, may not be waived. Each fee should be submitted in a separate check or money order. Biometrics Services fee for certain beneficiaries in the CNMI An additional biometrics services fee as described in 8 CFR 103.7(b) is required if the alien is lawfully present in the CNMI when applying for an initial grant of any federal nonimmigrant status. After submission of the form, USCIS will notify you about when and where to go for biometric services. General Fee Information Fees must be submitted in the exact amount and cannot be refunded. Do not mail cash. Use the following guidelines when you prepare your check or money order for the required fees: 1. All checks and money orders must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency. 2. The check or money order must be made payable to the Department of Homeland Security. NOTE: Spell out Department of Homeland Security. Do not use the initials "DHS" or "USDHS."
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	drawn. How to check if the fee is correct. The fee on this form is current as of the publication date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fee is correct by following one of the steps below. 1. Visit our Web site at www.uscis.gov, select "FORMS," and check the appropriate fee; or 2. Telephone our National Customer Service Center at 1-800-375-5283 and ask for the fee information. NOTE: If your petition requires payment of a biometric service fee for USCIS to take your fingerprints, photograph or signature, you can use the same procedure to obtain the correct biometric fee.	Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will scan your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will be shown on your regular account statement. You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times. How to check if the fee is correct. The fee on this form is current as of the publication date appearing in the lower left corner of this page. However, because USCIS fees change periodically, you can verify if the fee is correct by following one of the steps below. 1. Visit the USCIS Web site at www.uscis.gov, select "FORMS," and check the appropriate fee; or 2. Call the USCIS National Customer Service Center at 1-800-375-5283 and ask for the fee information. For TDD (hearing impaired) call: 1-800-767-1833. NOTE: If your petition requires payment of a biometrics services fee for USCIS to take your fingerprints, photograph or signature or you are requesting premium processing service, you can use the same procedure to obtain the correct biometric fee.
Page 18-19, When to File?	Generally, a Form I-129 petition may not be filed more than 6 months prior to the date employment is scheduled to begin. Petitioners	Generally, a Form I-129 petition may not be filed more than 6 months prior to the date employment is scheduled to begin. Petitioners

	should review the appropriate regulatory provisions in 8 CFR that relate to the nonimmigrant classification sought. File the petition as soon as possible before the proposed employment begins or before an extension of stay will be required. If the petition is not submitted at least 45 days before the employment begins, petition processing and subsequent visa issuance may not be completed before the alien's services are required or previous employment authorization ends.	should review the appropriate regulatory provisions in 8 CFR that relate to the nonimmigrant classification sought. [Deleted.]
Page 19, Where to File?	Where to File? <u>Regular Processing</u> Generally, except for the classifications listed below, the Form I-129 is filed 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 multiple locations, the State where your company or organization is located will determine which Service Center you should send your petition to. Prior to submitting your form(s), note the different addresses (see "Mailing Addresses" section on page 20). Exceptions: Regardless of work locations, the following types of petitions should <u>always</u> be sent to the California Service Center. 1. H-2A 2. R-1 3. H-1B petitions where the employer is statutorily exempt from the cap 4. E-1 and E-2, petitions for extension of stay or change of status only	Page 26, Where to File? Regular Processing Please see our Web site at www.uscis.gov/I-129 or call the USCIS National Customer Service Center at 1-800-375-5283 for the most current information on where to file this benefit request. For TDD (hearing impaired) call: 1-800-767-1833. [Deleted and replaced with above text.]

Regardless of work locations, the following types of petitions should **always** be sent to the **Vermont Service Center**.

1. H-1C
2. E-3, Petitions for extension of stay or change of status only
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
4. P-1, Major League Sports Organizations

Failure to follow these instructions may result in the rejection, delay, or denial of your petition.

California Service Center Filings

File Form I-129 with the California Service Center if the beneficiary is or will be employed temporarily or receiving training in:

Alaska	California
Arizona	Colorado
CNMI*	Montana
Guam	Nebraska
Hawaii	Nevada
Idaho	North Dakota
Illinois	Ohio
Indiana	Oregon
Iowa	South Dakota
Kansas	Utah
Michigan	Washington
Minnesota	Wisconsin
Missouri	Wyoming

*Commonwealth of the Northern Mariana Islands

Vermont Service Center Filings

File Form I-129 with the Vermont Service Center if the beneficiary is or will be employed temporarily or receiving training in:

Alabama	New Mexico
Arkansas	New York
Connecticut	North Carolina
Delaware	Oklahoma
District of Columbia	Pennsylvania
Florida	Puerto Rico

	Georgia Kentucky Louisiana Maine Maryland Massachusetts Mississippi New Hampshire New Jersey Rhode Island South Carolina Tennessee Texas Vermont Virginia U.S. Virgin Islands West Virginia <u>Premium Processing:</u> If you are requesting Premium Processing Services for a Form I-129, you must 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. <u>E-Filing</u> 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. <u>Mailing Addresses</u> 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 this form (shown in the lower right-hand corner), check before you file 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, call Customer Service at 1-800-375-5283. California Service Center Petition Type Regular Mailing	<u>Premium Processing:</u> If you are requesting Premium Processing Services for a Form I-129, you must also file a Form I-907, Request for Premium Processing Services with the applicable fee. Before you file the I-129/I-907 package, check the USCIS Web site at www.uscis.gov to ensure that the requested classification is eligible for premium processing. For more information about Premium Processing, see our Web page at www.uscis.gov/i-907 or call our National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833. [Deleted.] [Deleted.]
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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 10698

Laguna Niguel, CA 92607-1098

(Note the nonimmigrant classification requested in the attention line.)

USCIS

California Service Center

ATTN: CNMI I-129

24000 Avila Road

2nd Floor, Room 2312

Laguna Niguel, CA 92677

(Note the nonimmigrant classification requested in the attention line.)

Guam H-1B and H-2B Petitions

USCIS

California Service Center

ATTN: Guam I-129

P.O. Box 10129

Laguna Niguel, CA 92607-1012

(Note the nonimmigrant classification requested in the attention line.)

USCIS

California Service Center

ATTN: Guam I-129

24000 Avila Road

2nd Floor, Room 2312

Laguna Niguel, CA 92677

(Note the nonimmigrant classification requested in the attention line.)

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

2nd 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 2nd Floor, 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 (Note the nonimmigrant classification requested in the attention line) USCIS California Service Center ATTN: I-129 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677 (Note the nonimmigrant classification requested in the attention line) <u>Mailing Addresses</u> California Service Center Petition Type Regular Mailing Courier Mailing Premium Processing I-129/I-907 Packages Premium Processing Service USCIS California Service Center ATTN: I-129 P.O. Box 10825 Laguna Niguel, CA 92607 (Note the nonimmigrant classification requested in the attention line.)	
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	Premium Processing Service USCIS California Service Center ATTN: I-129 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677 (Note the nonimmigrant classification requested in the attention line.) 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 4 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 4 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 (Note the nonimmigrant classification	
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	requested in the attention line) Premium Processing Service USCIS Vermont Service Center ATTN: I-129 30 Houghton Street St. Albans, VT 05478-2399 (Note the nonimmigrant classification requested in the attention line) Premium Processing e-mail address: VSC-Premium.Processing@dhs.gov	
Page 22, Processing Information	Any petition ... Initial Processing. Once a petition ... Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required. Decision. The decision on a petition involves separate determinations of whether you have established that the alien is eligible for the requested classification based on the proposed employment, and whether he or she is eligible for any requested change of status or	Page 28, Processing Information Acceptance Any petition ... Initial Processing Once a petition has ... Service Processing Information Our goal at USCIS is to process all petitions fairly. The processing time will vary, depending on the specific circumstances of each case. We may reject an incomplete petition. We may deny your petition if you do not give us the requested information. Requests for More Information or Interview We may request more information or evidence. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required. After you file your petition, you may be notified to appear at a USCIS office to answer questions about the petition. You will be required to answer these questions under oath or affirmation. Decision USCIS' decision on Form I-129 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

	extension of stay. USCIS will notify you of the decision in writing.	
Page 23, USCIS Information and Forms	USCIS Forms and Information You can get USCIS forms and immigration-related information on USCIS Internet Web site at www.uscis.gov. You may order USCIS forms by calling our toll free number at 1-800-870-3676. You may also obtain forms and information by calling our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833...	Page 28, USCIS Forms and Information To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by calling the USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833...
Page 23, Privacy Act Notice	We ask for the information on this form and associated evidence to determine if you have established eligibility for the immigration benefit you are seeking. Our legal right to ask for this information is in 8 U.S.C 1154, 1184, and 1258. We may provide this information to other government agencies. Failure to provide this information and any requested evidence may delay a final decision or result in denial of your petition.	Page 29, USCIS Privacy Act Statement AUTHORITIES: 8 U.S.C. sections 1154, 1184, and 1258 authorize USCIS to collect the information and the associated evidence for this benefit application. PURPOSE: The primary purpose for providing the requested information on this form is to petition USCIS for an alien beneficiary to come temporarily to the United States to perform services or labor or to receive training. USCIS will use the information you provide to grant or deny the employment benefit you seek on behalf of the listed beneficiary. DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your benefit request. ROUTINE USES: The information you provide on this form may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of records notices [DHS-USCIS-007 – Benefits

		Information System which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.
Page 23, USCIS Compliance Review and Monitoring	By signing this form, you have stated under penalty of perjury (28 U.S.C. 1746) that all information and documentation submitted with this form is true and correct. You have also authorized the release of any information from your records that USCIS may need to determine eligibility for the benefit you are seeking and consented to USCIS' verification of such information. The Department of Homeland Security has the right to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. Our legal right to verify this information is in 8 U.S.C. 1103, 1155, 1184, and 8 CFR Parts 103, 204, 205, and 214. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case has been decided...	Page 29, USCIS Compliance Review and Monitoring By signing this form, you have stated under penalty of perjury (28 U.S.C. section 1746) that all information and documentation submitted with this form is true and correct. You have also authorized the release of any information from your records that USCIS may need to determine eligibility for the benefit you are seeking and consented to USCIS' verification of such information. The Department of Homeland Security has the authority to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. USCIS' legal authority to verify this information is in 8 U.S.C. sections 1103, 1155, 1184, and 8 CFR 103, 204, 205, and 214. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case has been decided...
Page 24, Paperwork Reduction Act	An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 2 hours and 45 minutes per response (3 hours per response for Religious Workers), including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Products Division, Office of Policy and Strategy, 20 Massachusetts	Page 29, Paperwork Reduction Act An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at Form I-129 at 2.34 hours; E-1/E-2 Classification at .67 hours; Trade Agreement Supplement at .67 hours; H Classification Supplement at 2 hours; H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement at 1 hour; L Classification Supplement to Form I-129 at 1.34 hours; and P Classifications Supplement to Form I-129 at 1 hour; Q-1 Classification Supplement at .34 hours; and R-1 Classification Supplement at 2.34 hours,

	Avenue, N.W., Washington, DC 20529-2020; OMB No 1615-0009. This form expires October 31, 2013. Do not mail your application to this address.	including the time for reviewing instructions, gathering the required documentation and completing and submitting the request. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No 1615-0009. Do not mail your completed Form I-129 to this address.
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