



Instructions for Petition for a Nonimmigrant Worker:

H-2B Classification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-129H2B
OMB No. 1615-xxxx
Expires xx/xx/20xx

Purpose of Form I-129H2B

This form is used by an employer or agent to petition U.S. Citizenship and Immigration Services (USCIS) for a noncitizen to come temporarily to the United States as a nonimmigrant to perform nonagricultural services or labor.

Form I-129H2B consists of the:

1. Basic petition; and
2. H-2B Named Worker Attachment (required when more than one named beneficiary is included in the petition).

Who May File Form I-129H2B?

General. A U.S. employer, a U.S. agent, or a foreign employer filing through a U.S. agent may file this form and applicable supplements to classify a non-citizen as a temporary nonagricultural worker in the H-2B nonimmigrant classification.

Agents. A U.S. individual or company in business as an agent may file a petition for:

1. Workers who are traditionally self-employed;
2. Workers who use agents to arrange short-term employment on their behalf with numerous employers; or
3. A foreign employer who 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 beneficiary will perform the services. 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.

General Instructions

USCIS provides forms free of charge through the USCIS website. To view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have internet access, you may call the USCIS Contact Center at **1-800-375-5283** and ask that we mail a form to you. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Signature. Each petition must be properly signed and filed. For all signatures on this petition, USCIS will not accept a stamped or typewritten name in place of a signature. A legal guardian may also sign for a mentally incompetent person. If the request is not signed or if the requisite signature on the request is not valid, USCIS will reject the request. See 8 CFR 103.2(a)(7)(ii)(A). If USCIS accepts a request for adjudication and determines that it has a deficient signature, USCIS will deny the request.

Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of the original, handwritten signature valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten, ink signature.

Filing Fee. Each petition must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these Instructions.)

Evidence. At the time of filing, you must submit all evidence and supporting documents listed in the **Specific Instructions** section of these Instructions. USCIS may reject or deny your petition for failure to submit evidence or supporting documents in accordance with 8 CFR 103.2(b)(1).

Biometrics Services Appointment for Certain Beneficiaries. After receiving your petition and ensuring completeness, USCIS may inform you in writing if the beneficiary or beneficiaries must submit biometrics. Failure of a beneficiary to appear at a biometrics appointment may result in denial of your petition.

Copies. You should submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of a petition. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

NOTE: If you submit original documents when not required or requested by USCIS, **your original documents may be immediately destroyed after we receive them.**

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that they are competent to translate from the foreign language into English. The certification must also include the translator's signature, printed name, the signature date, and the translator's contact information.

How to Fill Out Form I-129H2B

1. Type or print legibly in black ink.
2. Complete the basic form and any relating attachments/supplements.
3. If you need extra space to complete any item within this petition, use the space provided in **Part 10. Additional Information** or attach a separate sheet of paper. Type or print the individual petitioner's legal name, or the company or organization name, at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
4. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, "Provide the name of your current spouse"), type or print "N/A" unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None" unless otherwise directed.

Information About Form I-129H2B

The H-2B classification always requires a petition.

The evidence listed below for H-2B petitions and for those petitions seeking a change of status or extension of stay, as applicable, must be included.

Including more than one beneficiary in a petition. You may include multiple beneficiaries who seek admission in the H-2B classification on the same petition provided you are requesting the same action for each beneficiary and all beneficiaries will:

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1. Be employed for the same period of time;
 2. Be employed in the same location(s); and
 3. Perform the same services or labor.

Total number of workers. The total number of workers you request on an H-2B petition must not exceed the number of workers approved by the Department of Labor on the temporary labor certification.

Naming beneficiaries. Generally, you may request named or unnamed workers as beneficiaries of an H-2B petition. You may not request both named and unnamed workers, as long as you are requesting the same action for each worker.

H-2B workers who must be named: You must provide the name, date of birth, country of birth, and country of nationality of all H-2B workers who:

1. Are currently in the United States; or
2. Are nationals of countries that are not designated by the Secretary of Homeland Security as eligible to participate in the H-2B program (see link and "Eligible Countries List" information below).

In addition, USCIS may require the petitioner to name H-2B beneficiaries where the name is needed to establish eligibility for H-2B nonimmigrant status.

NOTE: You must submit an H-2B Named Worker Attachment for each additional beneficiary when more than one named beneficiary is included in the petition.

H-2B Nonimmigrants

The H-2B classification is for noncitizens coming to the United States temporarily to engage in nonagricultural services or labor that is based on the employer's seasonal, intermittent, peakload, or one-time need. The maximum period of stay that may be granted under this petition is the period specified in the temporary labor certification the petitioner is submitting together with this petition. The maximum overall period of stay for H-2B workers is, generally, three years, after which such workers must depart from the United States and remain outside the country for a period of no less than three months before such workers again become eligible for H-2B classification. There are numerical limitations (caps) on how many H-2B workers may be admitted to the United States semi-annually.

The petition may be filed by:

1. A U.S. employer.
2. A U.S. agent, or
3. 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 petition and relevant Supplement/Attachment.

Additionally, the petitioner must submit:

1. A single approved temporary labor certification from the U.S. Department of Labor (or the Governor of Guam, if the employment will occur on Guam);
2. Evidence showing that each named beneficiary meets the minimum job requirements stated on the temporary labor certification at the time the certification application was filed; and
3. When applicable, a petition for noncitizens to perform services or labor in more than one location must include an itinerary with the dates and locations where the services or labor will take place.

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. Alternatively, 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.

H-2B Statement of Need

You must provide a detailed statement describing the temporary need for the beneficiaries' services with this petition. This explanation or statement should describe your operations and need in sufficient detail to establish the nature of your need for the beneficiaries to perform the services or labor, how you arrived at the number of beneficiaries requested, and whether the need is a one-time occurrence, seasonal, peakload or intermittent. In all cases, you may submit any documentation supporting your statement.

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 rejected or denied. This does not apply to amended petitions which request substitution of H-2B workers using the same temporary labor certification.

Eligible Countries List

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-2B program. The current list of eligible countries is located at www.uscis.gov/h-2b.

You may request workers who are nationals of countries that have not been designated as eligible to participate in the H-2B program. 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 noncitizen to be the beneficiary of such a petition.

USCIS' determination of what constitutes the 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;
2. Evidence that the beneficiary has been admitted to the United States previously in H-2B status;
3. The potential for abuse, fraud, or other harm to the integrity of the 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.

NOTE: It is recommended that H-2B petitions for workers from countries not listed on the "Eligible Countries List" be filed separately.

Prohibited Fees

As a condition of approval of an 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-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. The only exceptions to 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.

However, even the payment of these fees by a worker may be otherwise prohibited under law.

In addition, DOL regulations require the submission of agreements governing recruitment of prospective H-2B workers to ascertain compliance with that prohibition. This item directs the petitioner to explain any changes to such agreements, and disclose the existence of and explain the content of any new agreements the petitioner may have entered into, since the time of filing of the application for a TLC, so that USCIS can determine compliance with this condition.

If USCIS determines any of the following have occurred, the petition will be denied or revoked:

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.

In these instances, the only exceptions to a mandatory denial or revocation are found at 8 CFR 214.2(h)(6)(i)(B)(4).

Submit any evidence requested in **Part 6** with your petition. Additional evidence may be requested indicating that, to the best of the petitioner's knowledge, the beneficiaries have not paid, and will not pay, prohibited fees or other prohibited forms of compensation.

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-2B status. An interrupted stay does not count toward the worker's maximum 3-year limit in the classification.

An 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 they are outside the United States for:
18 months or less	At least 45 days, but less than 3 months
More than 18 months, but less than 3 years	At least 2 months

Time in 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/h-2b.

Notification Requirements

By filing an H-2B petition, you agree to notify the Department of Homeland Security (DHS) within 2 workdays if an H-2B worker:

1. Fails to report to work within 5 workdays after the employment start date stated on the petition;
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 by not reporting for work for a period of 5 consecutive workdays without the consent of the employer; or
4. Is terminated prior to the completion of the services or labor.

The petitioner also agrees to retain evidence of such notification and make it available for inspection by DHS officers for a one-year period beginning on the date of the notification.

Failure to comply with this agreement may result in penalties. See www.uscis.gov/h-2b for more information.

Liability for Return Transportation

The Immigration and Nationality Act makes a petitioner liable for the reasonable cost of return transportation for an H-2B beneficiary who is dismissed before the end of the period of authorized admission.

Filing Multiple Petitions

You generally may file one petition to request all of your H-2B workers associated with one temporary labor certification. Even in cases where filing a separate petition is not required, it may still be advantageous to file more than one H-2B petition. 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 nationals of a country not 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 only do so if:

1. Each petition is accompanied by the valid temporary labor certification; and
2. The total number of beneficiaries on your petitions does not exceed the total number of workers approved by the Department of Labor on the temporary labor certification.

Substitution of Beneficiaries

In certain instances, an employer may substitute a beneficiary of an H-2B petition with another worker, as long as the total number of beneficiaries will not exceed the number of beneficiaries certified in the original temporary labor certification and the substituted beneficiary will not be employed beyond the period approved in the H-2B petition.

1. **Substituting beneficiaries who were previously approved for consular processing with workers who are outside of the United States.** You must submit a letter at the Consulate or Port of Entry notifying of a substitution with:
 - A. Copy of the petition approval notice; and
 - B. Evidence of the qualifications of beneficiaries.
2. **Substituting beneficiaries who were previously approved for consular processing with workers who are in the United States.** You must submit an amended petition, with fee, to the USCIS Service Center where the original petition was filed with:
 - A. A copy of the original petition approval notice;
 - B. A copy of the previously submitted temporary labor certification;
 - C. A statement explaining why the substitution is necessary, including the name, date of birth, and country of birth for any original beneficiaries and, if their employment was terminated, the date of and reason for that determination;
 - D. Evidence of the qualifications of beneficiaries, if applicable;
 - E. Evidence of the beneficiaries' current status in the United States;
 - F. Evidence that the number of beneficiaries will not exceed the number allocated on the approved temporary labor certification, such as employment records or other documentary evidence to establish that the number of visas sought in the amended petition were not already issued; and
 - G. Evidence that the amended petition will retain a period of employment within the same half of the same fiscal year as the original petition. Otherwise, a new temporary labor certification issued by DOL or the Governor of Guam and subsequent H-2B petition must be submitted.

NOTE: Beneficiaries who were admitted to the United States may not be substituted without a new petition accompanied by a newly approved temporary labor certification.

Change of Status or Extension of Stay

For a petition requesting a change of status or an extension of stay, the petitioner must include with the petition evidence of the beneficiary's maintenance of status, such as:

1. A copy of the beneficiary's Form I-94, Nonimmigrant Arrival/Departure Record, passport, travel document, or Form I-797;
2. Evidence showing that the beneficiary qualifies for the specific classification sought;
3. A copy of the beneficiary's last two pay stubs, most recent W-2, or Internal Revenue Service (IRS) transcripts of the beneficiary's most recent federal individual income tax return; and
4. Evidence the beneficiary continues to meet the licensing requirements for the profession or occupation, if applicable.

A nonimmigrant who must have a passport to be admitted must maintain a valid passport during their entire stay. If a required passport is not valid, include a full explanation.

The beneficiary's dependent family members (generally, spouses and children under 21) should use Form I-539, Application to Change/Extend Nonimmigrant Status, to apply for a change of status or extension of stay.

The following nonimmigrants are not eligible to change status:

1. A noncitizen admitted under a visa waiver program;
2. A noncitizen in transit (C) or in transit without a visa (TWOV);
3. A crewman (D);
4. A fiancé(e) (K-1) or their dependent (K-2);
5. A (K-3) spouse or their K-4 dependent;
6. A J-1 exchange visitor who was admitted in J-1 status for the purpose of receiving graduate medical training;
7. A J-1 exchange visitor subject to the foreign residence requirement who has not received a waiver of that requirement; and
8. An M-1 student to an H classification, if training received as an M-1 helped him or her qualify for H classification.

Special Instructions for Certain Beneficiaries in the CNMI

An noncitizen who was admitted to the CNMI prior to November 28, 2009 may not currently hold a Federal nonimmigrant classification that permits a change of status. However, in certain situations, a petitioner may request that the beneficiary be granted initial status in the CNMI. This will allow certain beneficiaries who were present in the CNMI prior to the transition date and are currently lawfully present in the CNMI in parole status to be granted an initial nonimmigrant status without having to depart the CNMI.

H-2B Petitions Requesting an Exemption to the Temporary Need Requirement for H-2B Workers on Guam or in the CNMI

If requesting consideration of your petition as exempt from the requirement that the service or labor be temporary under section 9502 of the National Defense Authorization Act (NDAA) for Fiscal Year 2019 (Pub. L. 116-283), you should also submit:

1. If claiming eligibility directly connected to, supporting or associated with, the military realignment:
 - A. A copy of any applicable agreement, contract or subcontract for services or labor for construction, repairs, renovations, or facility services that each requested H-2B position is directly connected to, supporting, or associated with the military realignment on Guam or in the CNMI;

- B.** Other probative evidence that each requested H-2B position is:
- (1) For construction, repairs, renovations, or facility services; and
 - (2) Directly connected to, supporting or associated with the military realignment on Guam or in the CNMI; and
- C.** A signed statement from an official within the Department of Defense (DoD), including a branch of the U.S. armed forces. This statement should provide the DoD view regarding whether the applicable agreement, contract, or subcontract is directly connected to, supporting, or associated with, the military realignment. The DoD statement may also explain that the services or labor are performed under a federally funded agreement, if applicable. If this DoD statement is not provided, the petitioner should establish why it could not be obtained; and
- D.** Any relevant documentation demonstrating that services or labor will be performed under a federally funded agreement to support priority consideration of NDAA eligibility, if applicable.
- 2.** If claiming eligibility for health care workers;
- A.** A copy of any applicable agreement, contract or subcontract for services or labor for construction, repairs, renovations, or facility services, as well as other probative evidence that each requested H-2B position meets the requirement that the worker will perform services or labor on Guam or in the CNMI; and
 - B.** A detailed explanation, accompanied by any relevant supporting evidence, regarding the adverse effect of the military realignment. USCIS may consider any relevant documentation to show such effect, including but not limited to a detailed attestation articulating a nonspeculative relationship between the military realignment and the claimed adverse effect.
- 3.** If claiming eligibility for health care workers,
- A.** A signed statement on company letterhead from a corporate officer or facility administrator having the authority to speak on behalf of the company or facility attesting that the facility where the workers will perform service or labor jointly serves members of the Armed Forces, dependents, and civilians on Guam or in the CNMI. The statement should include evidence such as a TRICARE or other applicable provider number to demonstrate the facility's service to members of the Armed Forces and their dependents. The statement should also include, to the extent possible, the number of members of the Armed Forces, dependents and civilians on Guam or in CNMI that the petitioning facility has served in the preceding 12 months.

Specific Instructions

Part 1. Petitioner Information

Item Numbers 1. - 2. If you are an individual or sole proprietor (someone who owns a business, but the business is not organized as a separate legal entity) filing this petition, you must complete **Item Numbers 1. - 2.**, in addition to **Item Numbers 4- 17.**, as applicable.

Item Number 3. Petitioning Company or Organization Name. If you are a company or an organization filing this petition, provide the name of your company or organization.

Item Number 4. Trade Name or "Doing Business As" Name (if applicable). If you are a company or an organization that is known by a different name than the one you provided in **Item Number 3.**, provide your trade name or "doing business as" name.

Item Number 5. USCIS Online Account Number. Providing the petitioner's unique USCIS Online Account Number (OAN) helps them manage their online account. Petitioners have an Online Account Number if they previously filed an application, petition, or request online or by mail and were issued a receipt number that begins with IOE. If the petitioner filed a form online, they can find their OAN in their USCIS Online Account profile. If they mailed their form, they can find their OAN at the top of the USCIS Account Access Notice we sent them. The OAN is not the same as an A-Number. If the petitioner does not have a receipt number beginning with IOE, they do not have an OAN.

Item Number 6. Primary U.S. Office Address of Petitioner. Provide the address of the petitioner's primary office within the United States. The primary U.S. office address must not be the address of petitioner's outside counsel or clients. Petitions filed with an address that is not the petitioner's U.S. office address may be rejected or denied. The location of your primary office may determine where the petition must be filed.

Item Number 8. Mailing Address. Provide the petitioner's mailing address, if different from the Primary U.S. Office Address.

Item Numbers 9. - 11. Petitioner's Contact Information. Provide the petitioner's contact information.

Item Numbers 12. - 14. Taxpayer Identification Numbers. Provide an Employer Identification Number (EIN), Individual Taxpayer Identification Number (ITIN), and/or U.S. Social Security Number (SSN), as applicable. Individual employers and sole proprietors must provide a U.S. Social Security Number.

Part 2. Information About This Petition

Item Number 1. Basis for Classification. Select **only one** of the following options:

Item A. New employment. Select this box if the beneficiary:

1. Is outside the United States and holds no classification;
2. Will begin employment in the United States for a new employer in a different nonimmigrant classification than the beneficiary currently holds; **or**
3. Will work for the **same** employer but in a different nonimmigrant classification.

NOTE: Do not select 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 the beneficiary's eligibility as specified in the original approved petition. Select the box for **Item F., Amended Petition**, instead.

Item B. Continuation of previously approved employment without change with the same employer. Select this box if you are applying to continue the employment of the beneficiary in the same nonimmigrant classification the beneficiary currently holds and there has been no change to the employment.

Item C. Change in previously approved employment. Select this box if you are notifying USCIS of a non-material change to the previously approved employment, such as a change in job title without a material change in job duties.

Item D. New concurrent employment. Select this box if you are applying for a beneficiary to begin new employment with an **additional employer** in the same nonimmigrant classification the beneficiary currently holds while the beneficiary will continue working for their current employer in the same classification.

Item E. Change of employer for a beneficiary already in the requested classification. Select this box if you are applying for a beneficiary to begin employment working for a **new employer** in the same nonimmigrant classification that the beneficiary currently holds.

Item F. Amended petition. Select this box if you are applying to notify USCIS of a material change in the terms or conditions of employment, or the beneficiary's eligibility as specified in the original approved petition.

Item Number 2. If you seek to amend a petition, provide the receipt number of the petition that should be amended.

Item Number 3. Requested Action. The following information explains the actions petitioners/employers may request on their petition. Select **only one** action.

Item A. Notify the office listed in Part 5. so the beneficiary can seek a visa or admission. Select this box if the beneficiary is outside of the United States, or, if the beneficiary is currently in the United States, but they will leave the United States to obtain a visa/admission abroad.

Item B. Change the status and extend the stay of a beneficiary who is now in the United States in another status. Select 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.

Item C. Extend the stay of a beneficiary who now holds this status. Select this box if the beneficiary is currently in the United States in a nonimmigrant classification and is requesting an extension of their stay in the same nonimmigrant classification.

Item D. Amend the stay of the beneficiary because the beneficiary now holds this status and is not seeking a change to the current authorized period of stay. Select this box if the beneficiary is currently in the United States in the same nonimmigrant classification and you are not seeking an extension of the beneficiary's currently authorized period of stay.

Part 3. Beneficiary Information

Item Number 16. Form I-94, Arrival/Departure Record. If U.S. Customs and Border Protection (CBP) or USCIS issued the beneficiary a Form I-94, Arrival/Departure Record, provide the beneficiary's Form I-94 number and date that the beneficiary's authorized period of stay expires or expired (as shown on the beneficiary's Form I-94). The Form I-94 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 by CBP at an airport or seaport after April 30, 2013, CBP may have issued an electronic Form I-94 instead of a paper Form I-94. The beneficiary may visit the CBP website at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013, with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP website without charge. If the beneficiary cannot obtain the Form I-94 from the CBP website, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS **does** charge a fee for this service. See the USCIS website at www.uscis.gov/I-102 for more information.

Passport and Travel Document Numbers. If the beneficiary used a passport or travel document to travel to the United States, enter either the passport or travel document information in the appropriate space on the petition, even if the passport or travel document is currently expired.

Item Number 18. Beneficiary's Current Residential U.S. address. You must provide the beneficiary's current address if the beneficiary is in the United States.

Part 4. Processing Information

Item Numbers 17. - 18. If you are indicating that your petition is exempt from the H-2B numerical limitation (or cap) in **Item Number 17.**, you must indicate the appropriate basis for such exemption in **Item Number 18.** USCIS will reject your Form I-129H2B if the relevant numerical limitation has been reached and you have not properly indicated a basis for cap exemption. USCIS may deny your Form I-129H2B if USCIS determines that beneficiaries you indicate as exempt from the cap are subject to the numerical limitation. See 8 CFR 214.2(h)(8)(ii)(D).

Item Numbers 19 - 20. Additional information is available above in the **H-2B Petitions Requesting an Exemption to the Temporary Need Requirement for H-2B Workers on Guam or in the CNMI** section of the instructions.

Part 5. Basic Information About the Proposed Employment and Employer

NOTE: Petitioners seeking to place the H-2B beneficiary off-site at a location other than their own location must answer general questions regarding this assignment in **Part 5.**

Item Number 8. A petition for noncitizens to perform services or labor in more than one location must include a detailed itinerary including the dates, names, and addresses of the actual employer(s), and the locations where the beneficiary will perform the services.

Item Number 9. If the beneficiary(ies) will work at only one worksite, and the address of the worksite is different from the Primary U.S. Office Address of the Petitioner provided in **Part 1. Petitioner Information**, then provide the address of the worksite and the name of the person or organization associated with the address, if different from the individual employer, sole proprietor, or company or organization name listed in **Part 1.**

Part 6. Petitioner and Employer Obligations

Item Numbers 1. - 4. If you answered "Yes" to **Item Number 1.**, you must provide in **Item Numbers 2., 3., and 4.** the name(s) and address(es) of any additional agent, facilitator, recruiter, or similar employment service other than those listed in the application for temporary labor certification (TLC) that you will use or plan to use to recruit H-2B workers that you intend to hire by filing this petition. You must also disclose any changes in location for the agents, facilitators, recruiters, or similar employment services you listed on the TLC. If you need to include the name and/or address of more than one service or agent, use the space provided in **Part 10. Additional Information**.

Item 5. If you answered "Yes" to **Item Number 5**, you must briefly describe any new agreements or changes to existing agreements with any agent, facilitator, recruiter, or similar employment service that occurred since you submitted your application for a TLC. As explained under the heading "Prohibited Fees" in these Instructions, DHS regulations provide, as a condition of approval of the H-2B petition, that a petitioner is prohibited from charging, agreeing to charge, or allowing recruiters, agents, facilitators, or similar employment services to charge certain fees in connection with H-2B employment. DHS regulations also provide for the denial or revocation of the H-2B petition if USCIS determines that this condition has been violated. In addition, DOL regulations require the submission of agreements governing recruitment of prospective H-2B workers to ascertain compliance with that prohibition. This item directs the petitioner to explain any changes to such agreements, and disclose the existence of and explain the content of any new agreements the petitioner may have entered into, since the time of filing of the application for a TLC, so that USCIS can determine compliance with this condition.

Item Number 6. You must also disclose in **Item Number 6.** if any of the H-2B workers that you are requesting paid you, an agent, facilitator, recruiter, or similar employment service a job placement fee or other form of compensation (either direct or indirect) as a condition of the employment, or if they have an agreement to pay you or the service such fees, including an agreement to deduct or withhold a portion of the worker(s) wages, at a later date, and you must list the types and amounts of fees that the worker(s) paid or have agreed to pay, or have agreed to have deducted or withheld from the worker(s) wages, in **Item Number 7**. See 8 CFR 214.2(h)(6)(i).

Part 10. Additional Information

If you need extra space to provide any additional information within this petition, use the space provided in **Part 10**.

Additional Information. If you need more space than what is provided in **Part 10.**, you may make copies of **Part 10**. to complete and file with your petition, or attach a separate sheet of paper. Type or print your company or organization name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

We recommend that you print or save a copy of your completed petition to review in the future and for your records.

What Is the Filing Fee?

The filing fee for Form I-129H2B is **\$460**.

Each petitioner must also include the mandatory Fraud Prevention and Detection fee of **\$150**. The Fraud Prevention and Detection fee cannot be waived.

Payments by Checks or Money Orders

Use the following guidelines when you prepare your checks or money orders for the Form I-129H2B filing fee and additional fees:

1. The checks or 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; **and**
2. Make the checks or money orders payable to **U.S. Department of Homeland Security**.

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

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

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, we will reject your petition.

NOTE: The filing fee is not refundable, regardless of any action USCIS takes on this petition. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts. USCIS will reject or deny your Form I-129H2B if you fail to submit required fees when you submit your petition. You should pay the filing fee and each additional fee with separate checks or money orders.

How To Check If the Fees Are Correct

Form I-129H2B's filing fee and additional fees are current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS website at www.uscis.gov, select "FORMS," and check the appropriate fee; or
2. Visit the USCIS Contact Center at www.uscis.gov/contactcenter to get answers to your questions and connect with a live USCIS representative. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

When To File?

Generally, a Form I-129H2B petition may not be filed before the Temporary Labor Certification is obtained.

Where To File?

Please see our website at www.uscis.gov/I-129H2B or visit the USCIS Contact Center at www.uscis.gov/contactcenter to connect with a USCIS representative for the most current information about where to file this petition. Petitions filed at the incorrect location may be rejected or denied. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Premium Processing

Form I-129H2B may be eligible for Premium Processing. To determine if your petition is eligible for Premium Processing, visit the USCIS website at www.uscis.gov/forms/how-do-i-use-premium-processing-service. If your Form I-129H2B is eligible for and you are requesting Premium Processing Services, you must also file Form I-907, Request for Premium Processing Service. If eligible, send Form I-129H2B and Form I-907 together according to the filing instructions for Form I-907. Please see our website at www.uscis.gov/I-907.

Address Change

A petitioner or beneficiary who is not a U.S. citizen must notify USCIS of their new address within 10 days of moving from their previous residence. For information on filing a change of address, go to the USCIS website at www.uscis.gov/addresschange or reach out to the USCIS Contact Center at www.uscis.gov/contactcenter for help. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does not process change of address requests.

Processing Information

Initial Processing. Once USCIS accepts your petition, we will check it for completeness. If you do not completely fill out this petition, you will not establish a basis for your eligibility and USCIS may reject or deny your petition.

Requests for More Information. USCIS may request that you provide more information or evidence to support your petition. We may also request that you provide the originals of any copies you submit. If we request an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your petition. At the time of any interview or other appearance at a USCIS office, we may require that you provide your biometrics to verify your identity and/or update background and security checks.

Decision. The decision on Form I-129H2B involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

A petition that is not properly filed may be rejected. A petition is not considered properly filed until accepted by USCIS. Some reasons a petition may be rejected include that it is not properly signed, is not accompanied by the correct fee, or was not properly filed with the correct Service Center. If rejected, USCIS will return the petition along with a notice that identifies the basis for rejection. You may correct the deficiency and resubmit the petition, in most circumstances.

USCIS Forms and Information

To ensure you are using the latest version of this petition, visit the USCIS website 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 call the USCIS Contact Center at **1-800-375-5283** and ask that we mail a form to you. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Please visit us at www.uscis.gov/contactcenter to get basic information about immigration services and ask questions about a pending case. Through our digital self-help tools and live assistance, the USCIS Contact Center provides a pathway for you to get consistent, accurate information and answers to immigration case questions.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-129H2B, we will deny your petition and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Compliance Review and Monitoring

By signing this petition, you have stated under penalty of perjury (28 U.S.C. section 1746) that all information and documentation submitted with this petition are complete, true, and correct. You also authorize the release of any information from your records that USCIS may need to determine your eligibility for the immigration benefit you are seeking and consent to USCIS verifying such information.

The U.S. Department of Homeland Security (DHS) 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 1101, 1103, 1154, 1155, 1184, and 1258 and 8 CFR parts 103, 204, 205, 214, and 248. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case is decided.

Agency verification methods may include, but are not limited to: review of public records and information; contact through written correspondence, the internet, fax, other electronic transmission, or telephone; unannounced physical site inspections of residences and locations of employment; and interviews. USCIS will use information obtained through verification to assess your compliance with the laws and to determine your eligibility for an immigration benefit.

Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide you with an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.

DHS Privacy Notice

AUTHORITIES: The information requested on this petition and the associated evidence, is collected under the Immigration and Nationality Act sections 101, 214, 222, and 248 and 8 CFR parts 103, 214, and 248.

PURPOSE: The primary purpose for providing the requested information on this form is to petition USCIS for an individual to temporarily enter the United States as an H-2B nonimmigrant worker. An employer (or agent, where applicable) will also use this form to request an extension of stay of an H-2B nonimmigrant worker or to change the status of an individual currently in the United States as a nonimmigrant to H-2B. DHS uses the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in a rejection or denial of your petition.

ROUTINE USES: DHS may share the information you provide on this petition and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System, DHS/USCIS-007 Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background Check] and the published privacy impact assessments [DHS/USCIS/PIA-003 Integrated Digitization Document Management Program, DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System, and DHS/USCIS/PIA-061 Benefit Request Intake Process], which you can find at www.dhs.gov/privacy. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

DRATTT

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 3 hours for Form I-129H2B and at 30 minutes for the Named Worker Attachment for Form I-129H2B, 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, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No 1615-XXXX. **Do not mail your completed Form I-129H2B to this address.**

NOT FOR
PRODUCTION

01/25/2022