Instructions for Petition for Nonimmigrant Worker

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

USCIS
Form I-129
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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.

Form I-129 consists of the:

1. Basic petition;
2. Individual supplements relating to specific classifications; and
3. H-1B Data Collection and Filing Fee Exemption Supplement (required for H-1B and H-1B1 classifications only).

These instructions are divided into two parts:

Part 1: Classifications that always require a petition.

E-2 CNMI -- treaty investor exclusively in the Commonwealth of the Northern Mariana Islands (CNMI).

H-1B -- specialty occupation worker; an alien coming to perform services of an exceptional nature that relate to a U.S. Department of Defense-administered project; or a fashion model of distinguished merit and ability.

H-2A -- temporary agricultural worker.

H-2B -- temporary nonagricultural worker.

H-3 -- trainee.

L-1 -- intracompany transferee.

O-1 -- alien of extraordinary ability in arts, science, education, business, or athletics.

O-2 -- accompanying alien who is coming to the United States to assist in the artistic or athletic performance of an O-1 artist or athlete.

P-1 -- major league sports.

P-1 -- internationally recognized athlete/entertainment group.

P-1S -- essential support personnel for a P-1.

P-2 -- artist/entertainer in reciprocal exchange program.

P-2S -- essential support personnel for a P-2.

P-3 -- artist/entertainer coming to the United States to perform, teach, or coach under a program that is culturally unique.

P-3S -- essential support personnel for a P-3.

Q-1 -- alien coming temporarily to participate in an international cultural exchange program.

R-1 -- religious worker.

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:

E-1 -- treaty trader.

E-2 -- treaty investor (not including E-2 CNMI treaty investors).

E-3 -- Free Trade Agreement professionals from Australia.

Free Trade Nonimmigrants -- H-1B1 specialty occupation workers from Chile or Singapore and TN professionals from Canada or Mexico.

Who May File Form I-129?

General. A U.S. employer may file this form and applicable supplements to classify an alien in any nonimmigrant classification listed in **Part 1.** or **Part 2.** of these instructions. A foreign employer, U.S. agent, or association of U.S. agricultural employers may file for certain classifications as indicated in the specific instructions.

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 classifications provided all will:

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 aliens.

Exception: It is recommended that H-2A and H-2B petitions for workers from countries not listed on the respective "Eligible Countries List" be filed separately. See **www.uscis.gov** for the list of H-2A and H-2B participating countries.

Multiple locations. A petition for aliens to perform services or labor or receive training in more than one location must include an itinerary with the dates and locations where the services or training will take place.

Naming beneficiaries. All beneficiaries in a petition must be named except for an H-2A agricultural worker or an H-2B temporary nonagricultural worker.

Exceptions for H-2A/H-2B temporary workers: You must provide the name, date of birth, country of birth, and country of nationality of all H-2A and H-2B workers when **(1)** the petition is filed for a worker who is a national of a country not designated by the Secretary of Homeland Security as eligible to participate in the H-2A or H-2B program; or **(2)** the beneficiary is in the United States. In addition, USCIS may require the petitioner to name H-2B beneficiaries where the name is needed to establish eligibility for H-2B nonimmigrant status.

Where some or all of the beneficiaries are not named, specify the total number of unnamed beneficiaries and total number of beneficiaries in the petition.

General Filing Instructions

USCIS provides forms free of charge through the USCIS website. 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 fees. (See the **What Is the Filing Fee** section of these instructions.)

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, Arrival - Departure Record. 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 by CBP at an airport or seaport after April 30, 2013, he/she may have been issued an electronic Form I-94 by CBP, instead of a paper Form I-94. He/she may visit the CBP website at **www.cbp.gov/I94** to obtain a paper version of the electronic Form I-94. CBP does not charge a fee for this service. Some travelers admitted to the United States at a land border, or air or sea port, 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 for the CBP website without charge. If Form I-94 cannot be obtained from the CBP website, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Document, with USCIS. USCIS does charge a fee for this service. Form I-102 may be filed together with this Form I-129.

Copies. You may submit a legible photocopy of any document requested, unless the instructions specifically state that you must submit an original document. Original documents submitted when not required may remain a part of the record, and will not be automatically returned to you.

Translations. Any document you submit to USCIS information in a foreign language must have a full English language translation. The translator must certify that the English language translation is complete and accurate, and 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 supplements.
3. If you need extra space to complete any item, go to **Part 9.**, **Additional Information About Your Petition for Nonimmigrant 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 "N/A".
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, 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; **or**

(3) Will work for the same employer but in a different nonimmigrant classification.

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, 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 employment without change with the same employer. Check 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.

C. **Change in previously approved employment.** Check 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.

D. **New concurrent employment.** Check 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 his or her current employer in the same classification.

E. **Change of employer.** Check 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.

F. **Amended petition.** Check this box if you are applying to notify USCIS of a material change in the terms or conditions of employment or training or the beneficiary's eligibility as specified in the original approved petition. Additionally, petitioners requesting H-2A or H-2B substitutions should check this box.

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 same nonimmigrant classification.

   Exception: If the beneficiary seeks to extend his/her stay in H1B1 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.** Check this box if the beneficiary is currently in the United States based on a Free Trade Agreement (H-1B1 Chile/Singapore or TN classification) and is requesting an extension of his or her stay in that same classification.

F. **Change status to a nonimmigrant classification that is based on a Free Trade Agreement.** Check this box if the beneficiary is currently in the United States in a different nonimmigrant classification and is applying to change to a nonimmigrant classification based on a Free Trade Agreement (H-1B1 Chile/Singapore or TN classification).

Certification Pertaining to the Release of Controlled Technology or Technical Data to Foreign Persons in the United States

U.S. Export Controls on Release of Controlled Technology or Technical Data to Foreign Persons. The Export Administration Regulations (EAR) (15 CFR Parts 770-774) and the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130) require U.S. persons to seek and receive authorization from the U.S. Government before releasing to foreign persons in the United States controlled technology or technical data. Under both the EAR and the ITAR, release of controlled technology or technical data to foreign persons in the United States--even by an employer--is deemed to be an export to that person's country or countries of nationality. One implication of this rule is that a U.S. company must seek and receive a license from the U.S. Government before it releases controlled technology or technical data to its nonimmigrant workers employed as H-1B, H-1B1, L-1, or O-1A beneficiaries.

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. The licensing requirements described above will affect only a small percentage of petitioners because most types of technology are not controlled for export or release to foreign persons. The technology and technical data that are, however, controlled for release to foreign persons are identified on the EAR's Commerce Control List (CCL) and the ITAR's U.S. Munitions List (USML). The CCL is found at 15 CFF Part 774, Supp. 1. See **http://www.access.gpo.gov/bis/ear/ear_data.html#ccl**. The USML is at 22 CFR 121.1. See **http://www.pmddtc.state.gov/regulations_laws/itar.html**. The EAR-controlled technology on the CCL generally pertains to that which is for the production, development, or use of what are generally known as "dual-use" items. The ITAR-controlled technical data on the USML generally pertains to that which is directly related to defense articles.

The U.S. Department of Commerce's Bureau of Industry and Security administers the CCL and is responsible for issuing licenses for the release to foreign persons of technology controlled under the EAR. The U.S. Department of State's Directorate of Defense Trade Controls (DDTC) administers the USML and is responsible for issuing licenses for the release to foreign persons of technical data controlled under the ITAR. Information about the EAR and how to apply for a license from BIS are at www.bis.doc.gov. Specific information about EAR's requirements pertaining to the release of controlled technology to foreign persons is at **www.bis.doc.gov/deemedexports**. Information about the ITAR and how to apply for a license from DDTC are at **www.pmdtc.gov**.

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 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.

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.

A nonimmigrant, who must have a passport to be admitted, generally must maintain a valid passport during his or her entire stay.

The following nonimmigrants are not eligible to change status:

1. An alien admitted under a visa waiver program;
2. An alien is transit (C) or in transit without a visa (TWOV);
3. A crewman (D);
4. A fiancé(e) (K-1) or his or her dependent (K-2);
5. A spouse of a U.S. citizen (K-3) or his or her dependent (K-4);
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.

Part 1. Petition Always Required

The following classifications always require a petition.

The initial evidence listed below and the initial evidence listed under the instructions for a change of status or extension of stay must be included with a petition for a new or concurrent employment or for an extension where there is a change in previously approved employment.

However, a petition for extension based on unchanged, previously approved employment should only be filed with the initial evidence required in the extension of stay instructions.

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.

This classification expires on December 31, 2019

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.

Requests for extension of the E-2 CNMI investor classification may be granted, in increments of not more than 2 years, until December 31, 2019.

Applications for the dependents of E-2 CNMI investors must be filed on Form I-539, Application to Extend/Change Nonimmigrant Status.

Write **E-2C** in the classification block.

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.

H-1B Nonimmigrants (Three Types)

The H-1B classification is for aliens coming to the United States temporarily to perform services in a specialty occupation.

Write **H-1B** in the classification block.

A specialty occupation is one that requires the theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation and requires the attainment of a bachelor's or higher degree in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States.

The petition must be filed by a U.S. employer or a U.S. agent and must be filed with:

1. Evidence that a labor condition application (LCA) has been certified by the U.S. Department of Labor;
2. Evidence showing that the proposed employment qualifies as a specialty occupation;
3. Evidence showing that the beneficiary has 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.

4. A copy of any required license or other official permission to practice the occupation in the state of intended employment; and
5. A copy of any written contract between the petitioner and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed.
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, petitioner 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 requested 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 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.

General H-1B Requirements

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);
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-129W) 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.

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 **What is the Filing Fee**, for more information about the appropriate fee.)

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:
   - **A.** Has 25 or fewer full-time-equivalent employees who are employed in the United States and employs more than seven H-1B nonimmigrants;
   - **B.** Has at least 26 but not more than 50 full-time-equivalent employees who are employed in the United States and employs more than 12 H-1B nonimmigrants; or
   - **C.** Has at least 51 full-time equivalent employees who are employed in the United States and employs H-1B nonimmigrants in a number that is equal to at least 15 percent of the number of such full-time-equivalent employees.
2. **Willful violators.** A willful violator is an employer whom the U.S. Secretary of Labor has found, after notice and opportunity for a hearing, to have willfully failed to meet a condition of the labor condition application described in section 212(n) of the Immigration and Nationality Act.
3. **Exempt H-1B nonimmigrant.** An "exempt H-1B nonimmigrant" is an H-1B nonimmigrant who:
   - **A.** Receives wages (including cash bonuses and similar compensation) at an annual rate equal to at least $60,000; or
   - **B.** Has attained a master's degree or higher (or its equivalent) in a specialty related to the intended employment.

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.

6. **Master's or higher degree from a U.S. institution of higher education.** Indicate whether or not the beneficiary has earned a master's or higher degree from a U.S. institution of higher education, as defined in 20 U.S.C. section 1001(a).

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 website at **www.uscis.gov**.

9. **NAICS Code.** This is the North American Industry Classification System (NAICS) Code. This code can be obtained from the U.S. Department of Commerce, Census Bureau (**www.census.gov/epcd/www/naics.htm**). Enter the code from left to right, one digit in each of the six boxes. If you use a code with fewer than six digits, enter the code left to right and then add zeros in the remaining unoccupied boxes.

   For example, the code sequence 33466 would be entered as: | 3 | 3 | 4 | 6 | 6 | 0 | [Each number inside a separate box]

   For example, the code sequence 5133 would be entered as: | 5 | 1 | 3 | 3 | 0 | 0 | [Each number inside a separate box]

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 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 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.

4. This petition is the second or subsequent request for an extension of stay filed by the employer regardless of when the first extension of stay was filed or whether the **$1,500** or **$750** filing fee was paid on the initial petition or the first extension of stay;

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, 2019.

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.

H-2A Nonimmigrants

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 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.

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 either:
   - **A.** Changing status to H-2A, or
   - **B.** Extending their stay in H-2A status by 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.

H-2B Nonimmigrants

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.

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.

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 which request to substitute H-2B workers using the same temporary labor certificate.

Additional Information Regarding H-2A and H-2B Petitions

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 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 current list of eligible countries is located at **www.uscis.gov/h-2a** and **www.uscis.gov/h-2b**.

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, the petitioner must submit evidence demonstrating that a *U.S. worker* 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 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)(A)(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.

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.

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, but less than 3 months
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.

H-3 Nonimmigrants (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.

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:

1. A description of the training, staff, and facilities; evidence that the program meets the above conditions; and details of the beneficiary's participation in the program; and
2. Evidence showing that the beneficiary is nearing completion of a baccalaureate degree in special education, or already holds such a degree, or has extensive prior training and experience in teaching children with physical, mental, or emotional disabilities.

The H-3 classification is also for aliens coming to the United States temporarily to receive training from an employer in any field other than graduate medical education or training.

Write **H-3** in the classification block.

The petition must be filed with:

1. A detailed description of the structured training program, including the number of classroom hours per week and the number of hours of on-the-job training per week;
2. A summary of the prior training and experience of each beneficiary in the petition; and

3. An explanation stating why the training is required, whether similar training is available in the beneficiary's country, how the training will benefit the beneficiary in pursuing a career abroad, the source of any remuneration the trainee will receive and any benefit the petitioner will obtain by providing the training.

L-1 Nonimmigrants (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 the petitioning employer's product, service research, equipment, techniques, management, or other interests and its application in international markets or (b) an advanced level of knowledge or expertise in the employing organization's processes or procedures.

*** 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: an annual report, articles of incorporation, financial statements, or copies of stock certificates. **Note:** Whether such evidence will be sufficient to meet the petitioner's burden of establishing such a qualifying relationship will depend on the quality and probative value 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
3. A description of the proposed job duties and qualifications, and evidence showing that the proposed employment is in an executive, managerial, or specialized knowledge capacity.

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 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 1 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 United States 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.

O-1A Nonimmigrants

The O-1A classification is for aliens coming to the United States temporarily who have extraordinary ability in the sciences, education, business, or athletics (not including the arts, motion picture, or television industry). The extraordinary ability must be demonstrated by sustained national or international acclaim.

Write **O-1A** in the classification block.

The petition must be filed with:

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 **General Evidence**);
2. A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed;
3. An explanation of the nature of the events or activities, the beginning and ending dates for the events or activities, and a copy of any itinerary for the events and activities; and
4. Evidence of the beneficiary's extraordinary ability, such as receipt of major 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.

O-1B Nonimmigrants

The O-1B classification is for aliens coming to the United States temporarily who have extraordinary ability in the arts or extraordinary achievement in the motion picture or television industry.

Write **O-1B** in the classification block.

The petition must be filed with:

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 **General Evidence**). If the petition is based on the beneficiary's extraordinary achievement in the motion picture or television industry, separate consultations are required from the relevant labor and management organizations;
2. A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed;

3. Evidence that the beneficiary has received or been nominated for significant national or international awards or prizes in the field, such as an Academy Award, Emmy, Grammy, or Director's Guild Award, or at least **three** of the following:

   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. Evidence that the beneficiary has received significant recognition from organizations, critics, government agencies, or other recognized experts;

   E. Evidence that the beneficiary commands or will command a high salary or other remuneration for services in relation to others in the field; or

   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.

O-2 Nonimmigrants

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.

Write **O-2** in the classification block.

This form must be filed in conjunction with an O-1 petition and filed with:

1. A written consultation (see **General Evidence**);

   A. If it is for support of an athlete or an alien with extraordinary ability in the arts, the consultation must be from an appropriate labor organization; or

   B. If it is for support of an alien with extraordinary achievement in motion pictures or television, the consultation must be from an appropriate labor organization and management organization.

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.

P-1A or P-1 Major League Sports

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 **General Evidence**);
2. A copy of the contract with a major U.S. sports league or team or a contract in an individual sport commensurate with national or international recognition in the sport, if such contracts are normally utilized in the sport; and
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;
   - **C.** Participation in international competition with a national team;
   - **D.** A written statement from a member of the sports media or a recognized expert in the sport which details how the beneficiary or team is internationally recognized;
   - **E.** A written statement from an official of a major U.S. sports league or official of the governing body for a sport that details how the beneficiary or team is internationally recognized;
   - **F.** That the beneficiary or team is ranked, if the sport has international rankings; or
   - **G.** That the beneficiary or team has received a significant honor or award in the sport.

P-1B Entertainer or Entertainment Group

The P-1B classification is for aliens coming to the United States temporarily to perform as a member of an entertainment group that has been recognized internationally as outstanding in the discipline for a substantial period of time, and who has had a sustained relationship with the group (ordinarily for at least 1 year).

Write **P-1B** in the classification block.

The petition must be filed with:

1. A written consultation (see **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:
   - **A.** The beneficiary or group has performed, and will perform as a starring or leading group in productions or events with a distinguished reputation;
   - **B.** The beneficiary or group has achieved international recognition and acclaim for outstanding achievement in the field;
   - **C.** The group has performed, and will perform, services as a star or leading group for organizations and establishments that have a distinguished reputation;
   - **D.** The beneficiary or group has a record of major commercial or critically acclaimed success;
   - **E.** The beneficiary or group has received significant recognition for achievements from critics, organizations, government agencies, or other recognized experts in the field; or
   - **F.** The beneficiary or group commands a high salary or other substantial remuneration for services compared to other similarly situated in the field.
3. Evidence that 75 percent of the members of the group have had a sustained and substantial relationship with the group for at least 1 year. Provide a list of the alien's functions which are integral to the group's performance.

By filing for a P-1 group, the petitioner certifies that at least 75 percent of the group members have been performing regularly together for at least 1 year. The 1-year requirement does not apply to circus groups coming to perform with nationally recognized circuses.

Attach a separate statement to the form to request a waiver of:

1. The 1-year relationship requirement due to exigent circumstances; or

2. The international recognition requirement **(1)** due to emergent circumstances, or **(2)** because the group has been nationally recognized as outstanding in its discipline for a sustained and substantial period of time.

P-2 Nonimmigrants

The P-2 classification is for aliens coming to the United States temporarily to perform as an artist or entertainer, individually or as part of a group, under a reciprocal exchange program between an organization in the United States and an organization in another country.

Write **P-2** in the classification block.

The petition must be filed by the sponsoring organization or U.S. employer with:

1. A written consultation (see **General Evidence**);
2. A copy of the reciprocal exchange program agreement;
3. A statement from the sponsoring organization describing the reciprocal agreement as it relates to the petition;
4. Evidence that the beneficiary and the U.S. artist or group have comparable skills and that the terms of employment are similar; and
5. Evidence that an appropriate labor organization in the United States was involved in negotiating or concurred with the exchange.

P-3 Nonimmigrants

The P-3 classification is for aliens coming to the United States temporarily to perform, teach, or coach, individually or as part of a group, in the arts or entertainment fields in a program that is culturally unique and which will further the understanding or development of the art form.

Write **P-3** in the classification block.

The petition must be filed with:

1. A written consultation (see **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 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.

Essential Support Personnel

The P-1S, P-2S, or P-3S classification are for aliens coming to the United States temporarily as essential and integral parts 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.

Write **P-1S, P-2S,** or **P-3S** as appropriate in the classification block.

The petition must be filed with:

1. A written consultation (see **General Evidence**);
2. Evidence of the beneficiary's qualifications to perform the services, if any;
3. A statement describing the beneficiary's critical knowledge of the specific services to be performed and prior experience with the principal P-1, P-2, or P-3;
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

5. A copy of any written contract between the employer and the beneficiary or a summary of the terms of the oral agreement under which the beneficiary will be employed.

Q-1 Nonimmigrants

The Q-1 classification is for aliens coming to the United States temporarily to participate in an international cultural exchange program for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality.

The culture sharing must take place in a school, museum, business, or other establishment where the public, or a segment of the public sharing a common cultural interest, is exposed to aspects of a foreign culture as part of a structured program.

The work component of the program may not be independent of the cultural component, but must serve as the vehicle to achieve the objectives of the cultural component. An employer (U.S. or foreign firm, corporation, nonprofit organization, or other legal entity) or its designated agent may file the petition. If a designated agent is filing the petition, that agent must be employed by the qualified employer on a permanent basis in an executive or managerial capacity and must be either a U.S. citizen or lawful permanent resident.

Write **Q-1** in the classification block on the petition.

The petition must be filed with evidence showing that the employer:

1. Maintains an established international cultural exchange program;
2. Has designated a qualified employee to administer the program and serve as a liaison with USCIS;
3. Is actively doing business in the United States;
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 participants.

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 participants, 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.

R-1 Nonimmigrants

The R-1 classification is for aliens coming to the United States temporarily to be employed at least part time (average of at least 20 hours per week) by a bona fide nonprofit religious organization in the United States (or a bona fide organization that is affiliated with the religious denomination in the United States) to work:

1. Solely as a minister;
2. In a religious vocation; or
3. In a religious occupation.

To qualify, the alien must have been a member of a religious denomination that has a bona fide nonprofit religious organization in the United States, for at least 2 years immediately preceding the filing of the petition.

Write **R-1** in the classification block.

The petition must be filed by a U.S. employer with:

1. Evidence relating to the petitioning organization:
   - **a.** Currently valid determination letter from the Internal Revenue Service (IRS) establishing that the organization is a tax-exempt organization; or
   - **b.** For a religious organization that is recognized as tax-exempt under a group tax-exemption, a currently valid determination letter from the IRS establishing that the group is tax exempt; or

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

(1) A currently valid determination letter from the IRS establishing that the organization is a tax-exempt organization;

(2) Documentation that establishes the religious nature and purpose of the organization, such as a copy of the organizing instrument of the organization that specifies the purposes of the organization;

(3) Organizational literature, such as books, articles, brochures, calendars, flyers, and other literature describing the religious purpose and nature of the activities of the organization; and

(4) Religious Denomination Certification, which is part of the R-1 Classification Supplement to Form I-129, completed, signed, and dated by the religious organization certifying that the petitioning organization is affiliated with the religious denomination.

2. Employer Attestation, which is part of the R-1 Classification Supplement to Form I-129, completed, signed, and dated by an authorized official of the petitioner;

3. Verifiable evidence of how the petitioner intends to compensate the beneficiary, including salaried or non-salaried compensation;

4. If the beneficiary will be self-supporting, the petitioner must submit documentation establishing that the position the beneficiary will hold is part of an established program for temporary, uncompensated missionary work, which is part of a broader international program of missionary work sponsored by the denomination;

5. Evidence that the beneficiary has been a member in the religious denomination during at least the 2 years immediately preceding the filing of the petition; and

6. Evidence to establish the beneficiary is qualified to perform the duties of the offered position.

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.

E-1 Nonimmigrants

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.

Write **E-1** in the classification block.

Qualifying trade involves the commercial exchange of goods or services in the international market place. **Substantial trade** is an amount of trade sufficient to ensure continuous flow of international trade items between the United States and the treaty country. **Principal trade** exists when more than 50 percent of the E-1's total volume of international trade is conducted between United States and the treaty country.

An employee of an E-1 treaty trader who possesses the same nationality as the E-1 employer may also be classified as E-1. The employee must principally and primarily perform executive or supervisory duties or possess special qualifications that are essential to the successful or efficient operation of the enterprise. The E-1 employee may perform work for the parent treaty organization or enterprise, or any subsidiary of the parent organization or enterprise.

The petition must be filed with evidence of:

1. **Ownership and Nationality of the E-1 treaty trader.** Such evidence may include, but is not limited to, lists of investors with current status and nationality, stock certificates, certificate of ownership issued by the commercial section of a foreign embassy, and reports from a certified personal accountant;
2. **Substantial Trade.** Evidence of substantial trade may include, but is not limited to, copies of three or more of the following: bills of lading, customs receipts, letter of credit, trade brochures, purchase orders, insurance papers, documenting commodities imported, carrier inventories, and/or sales contracts, or other probative documentation establishing the requisite substantial trade; and
3. **For E-1 employees only:** Executive or Supervisory Duties or special qualification essential to the enterprise. Evidence of such duties or qualifications may include, but is not limited to, certificates, diplomas or transcripts, letters from employers describing job titles, duties, operators' manuals, and the required level of education and knowledge.

E-2 Nonimmigrants

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 and the ability to develop and direct the investment enterprise. Capital in the process of being invested or that has been invested must be placed at risk and be irrevocably committed to the enterprise. The enterprise must be a real, active, and operating commercial or entrepreneurial undertaking that produces services or goods for profit. The investment must be substantial and the funds must not have been obtained, directly or indirectly, from criminal activity. The enterprise must be more than marginal.

An employee of an E-2 who possesses the same nationality as the E-2 employer may also be classified as E-2. The employee must principally and primarily perform executive or supervisory duties or possess special qualifications that are essential to the successful or efficient operation of the enterprise.

The petition must be filed with evidence of:

1. **Ownership and Nationality of the E-2 treaty investor.** Such evidence may include, but is not limited to, lists of investors with current status and nationality, stock certificates, certificate of ownership issued by the commercial section of a foreign embassy, and reports from a certified personal accountant;
2. **Substantial investment.** Such evidence may include, but is not limited to, copies of partnership agreements (with a statement on proportionate ownership), articles of incorporation, payments for the rental of business premises or office equipment, business licenses, stock certificates, office inventories (goods and equipment purchased for the business), insurance appraisals, annual reports, net worth statements from certified profession accountants, advertising invoices, business bank accounts containing funds for routine operations, funds held in escrow; and
3. **For E-2 employees 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, certificates, diplomas or transcripts, letters from employers describing job titles, duties, operators' manuals, and the required level of education and knowledge.

Advice on E-1 and E-2 petitions

You must obtain approval from USCIS when substantive changes occur in the terms or 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.

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 nonimmigrant classification is for aliens who are citizens of Canada or Mexico covered by the North American Free Trade Agreement coming to the United States to engage temporarily in business activities at a professional level. Depending on the specific type of business activity, a TN must at least have a bachelor's degree or, in certain limited instances, other appropriate credentials which demonstrate status as a professional. The acceptable types of TN business activities at a professional level are listed at 8 CFR 214.6(c).

Write **TN** in the classification block.

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;
2. A copy of the beneficiary's last two pay stubs and W-2 if employed in the United States; and
3. Evidence the beneficiary meets the educational and/or licensing requirements for the profession or occupation.

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 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. See the instructions for H-1B nonimmigrants for the definition of "specialty occupation."

Write **H-1B1** in the classification block.

Submit 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
2. H Classification Supplement; and
3. H-1B Data Collection and Filing Fee Exemption Supplement.

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). Also, if this extension is the 6th consecutive extension requested for this beneficiary, a statement to that effect should be provided.

Change of Status

A petition for change of status to one of the classifications described in this section must be submitted with the initial evidence detailed above and with the initial evidence required by the separate instructions for all petitions involving change of status.

Extension of Stay

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 explanation with your petition. A petition requesting an extension must be filed with:

1. The appropriate supplements for the classification;
2. A letter describing the proffered employment;
3. A copy of the beneficiary's last 2 pay stubs and most recent W-2, if applicable;
4. Evidence the beneficiary continues to meet the licensing requirements for the profession or occupation, if applicable;
5. If requesting an extension of H-1B status (including H1B1 Chile/Singapore), evidence that the Department of Labor has certified a labor condition application for the specialty occupation which is valid for the period of time requested;
6. If requesting H-2A status, submit a U.S. Department of Labor approved temporary labor certification valid for the dates of the extension, unless it is based on a continuation of previously approved employment due to exigent circumstances and the extension will last no longer than 2 weeks;
7. If requesting H-2B status, submit a U.S. Department of Labor approved temporary labor certification valid for the dates of extension.

Special Considerations for Beneficiaries Residing in CNMI

An alien 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 with a valid unexpired CNMI status to be granted an initial status without having to depart the CNMI. Additionally, an alien who is currently in parole status in the CNMI may also be granted an initial status in the CNMI.

The E-2 CNMI investor regulations permit a petitioner to request that the alien be granted an initial E-2 CNMI investor status in the CNMI. In addition to the classification requirements, the petitioner must submit documentation that the beneficiary is currently lawfully present in the CNMI.

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.

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, 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.

What Is the Filing Fee

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

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.

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 **$460** 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 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.

Employers filing H-2B petitions must submit an additional fee of **$150**.

You must include payment of the fees with your submission of this form. Failure to submit the fees 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.

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this petition. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Use the following guidelines when you prepare your check or money order for the Form I-129 filing fee:

1. The check and money order 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 check or money order payable to **Department of Homeland Security**.

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

Notice to Those Making Payment by Check. If you send us a check, USCIS 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, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your petition and charge you a returned check fee.

How to Check If the Fees Are Correct

Form I-129's filing fee is 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. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for the fee information. For TTY (deaf or hard of hearing) 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.

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 should review the appropriate regulatory provisions in 8 CFR that relate to the nonimmigrant classification sought.

Where To File?

Regular Processing:

Please see our website at **www.uscis.gov/I-129** or call the USCIS National Customer Service Center at **1-800-375-5283** for the most current information about where to file this benefit request. For TTY (hearing impaired) call: **1-800-767-1833**.

Premium Processing:

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 website 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 TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Processing Information

Acceptance

Any petition that is not signed or accompanied by the correct fee will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. A petition is not considered properly filed until accepted by USCIS.

Initial Processing

Once USCIS accepts your application, the agency will check it for completeness. If you do not completely fill out the form, you will not establish a basis for eligibility, and we may deny your petition.

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 from you or we may request that you appear at a USCIS office for an interview. We may also request that you provide the originals of any copies you submit. 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.

USCIS Forms and Information

To ensure you are using the latest version of this form, 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 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 TTY (deaf or hard of hearing) call: **1-800-767-1833**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through the USCIS Internet-based system, **InfoPass**. To access the system, visit the USCIS website at **www.infopass.uscis.gov**. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-129, we will deny your Form I-129 and any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

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.

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 legal 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, 1154, and 1155, and 8 CFR Parts 103, 204, and 205. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case has been decided. Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile, or other electronic transmission, or telephone; unannounced physical site inspections of residences and places of employment; and interviews. Information obtained through verification will be used to assess your compliance with the laws and to determine your eligibility for the benefit sought.

Subject to the restrictions under 8 CFR section 103.2(b) (16), you will be provided 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 that may result in revocation or termination of an approval.

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 2.26 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; P Classifications Supplement to Form I-129 at 1 hour; Q-1 Classification Supplement at .34 hours; R-1 Classification Supplement at 2.34 hours; and Form I-129 ATT at .33 hours, 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.**