

Instructions for Electronically Filing Form I-129

Please review this page before attempting to complete and file your form electronically. Note that this information may pertain **only** to forms filed electronically and may not apply to paper-based filings. Failure to follow these instructions may result in your application or petition being delayed or denied.

Form

I-129, Petition for a Nonimmigrant Worker

If e-Filing is not the best option for you, please see the "Paper I-129," located in the upper right corner of this page under "Related Links" for more information.

Purpose of Form:

Employers may e-File this form to petition for an alien to come to the U.S. temporarily to perform services or labor, or to receive training.

Who Is Not Eligible to e-File This Form:

You are not eligible to e-File this form if:

- You are applying for a waiver of the filing fee.
- You are requesting that your case be expedited (does not include filing for Premium Processing).
- You are a petitioner requesting nonimmigrant benefits for an E-1, E-2 and have not obtained your visa.
- If the Congressionally mandated nonimmigrant classification cap has been reached for the current fiscal year (e.g., H-1B, H-2B, etc.).
- Your employee's nonimmigrant classification is listed below. See the Instructions for paper Form I-129 for information on visa classifications.
 - You are applying for H-1B1 nonimmigrant classification under the Chile/Singapore Free Trade agreement.
 - You are applying under an L-1 category.
 - You are applying under the E-3 category.
 - You are applying under the R-1 category.

Please note: The E-Filing system is not currently accepting E-Filed I-129 petitions for the following non-immigrant classifications: H-1B; H-2B (effective May 25, 2005); L-1 (effective August 30, 2005); and R-1 (effective December 12, 2008). All I-129 petitions for these non-immigrant classifications must be filed in paper.

Who Is Eligible to e-File This Form:

Employers may use this form to petition for an alien to come to the U.S. temporarily to perform services or labor, or to receive training as an H-1B (when the cap is open for filing), H-2A, H-3A, H-3B, O-1, P-1, P-2, P-2S, P-3, P-3S, or Q-1 nonimmigrant worker.

Employers may also use this form to request an extension of stay or change of status for an alien as an E-1, E-2, TC, or TN nonimmigrant. Please see the State Department website for more information.

If the I-129 petition involves an internationally recognized athlete, group, team sports organization, (P-1 or H-2B nonimmigrant when available for filing) or Canadian Custom Harvester (H-2A nonimmigrant) please read the Special Instructions below before attempting to e-File.

See the Instructions for paper Form I-129 for information on visa classifications.

Filing Fees:

Please refer to the Immigration Forms page for the current filing fee.

The Omnibus Appropriations Act of FY 2005 was signed into law on December 8, 2004, which reinstated and raised the American Competitiveness and Workforce Improvement Act (ACWIA) fee for H1-B petitions to \$1,500.

Petitioners who employ a total of no more than 25 full-time equivalent employees in the United States, including any affiliate or subsidiary, may submit a reduced ACWIA fee of \$750.

Certain types of petitions, that were previously exempt from the old ACWIA fee, are still exempt. The USCIS requires that a completed I-129W be submitted with all H-1B I-129 petitions and this exemption is granted based on the information contained in the I-129W.

The H1-B Visa reform Act also establishes a new Fraud Prevention and Detection Fee of \$500 which must be paid by petitioners seeking a beneficiary's initial grant of H1-B or L nonimmigrant classification or those petitioners seeking to change a beneficiary's employer within these classifications. There are no exemptions from the \$500 Fraud Prevention and Detection Fee.

This Fraud Prevention and Detection Fee is effective March 8, 2005. Each of these fees is in addition to the base processing fee to file a Petition for a Nonimmigrant worker (I-129).

The Real ID Act establishes a new Fraud Prevention and Detection Fee of \$150, which must be paid by petitioners seeking H-2B nonimmigrant classification for beneficiaries. This fee is per petition, regardless of the number of workers benefiting from the petition. There are no exemptions from the \$150 Fraud Prevention and Detection Fee.

This Fraud Prevention and Detection Fee is effective May 25, 2005 for petitions seeking work start dates beginning on or after October 1, 2005 (FY 2006). This fee is in addition to the base processing fee to file a Petition for a Nonimmigrant Worker (I-129).

If the petitioner is concurrently E-Filing an I-129 with another application or petition, the cost will include the fee for those additional applications or petitions.

Initial Evidence and Supporting Documentation:

See Instructions for paper Form I-129 for information on documents that you must include. The required initial evidence must be received by the Service Center within seven business days of e-Filing the Form. If you do not submit the required initial evidence in the requisite time period, you will not establish a basis for eligibility, and we may deny your petition or application. The address to which supporting documentation should be sent is located on the e-Filing Confirmation Receipt notice.

Special Note: If you need to list more work locations than can be entered on the e-Filing form, please include

the list with your supporting documents that are mailed to the address listed on your Confirmation Receipt notice.

Please also see general instructions for Submitting Supporting Documentation.

Concurrent E-Filing:

E-Filed I-129 petitions can only be Concurrently e-Filed with the following applications under the following conditions (Please see "Who is Eligible to e-File This Form" for an updated list of currently available classifications.):

- Primary I-129: If you wish to concurrently e-File any of the applications listed below with an I-129, you must fill out the I-129 first.
- Additional I-129 petitions: only if the I-129 beneficiary is an O or P nonimmigrant.
- I-539 application: only if the I-129 beneficiary is an E, H, L, O, P, TN, or R nonimmigrant and you want to submit an I-539 for a dependent.
- I-765 application: only if the I-129 beneficiary is an E or L nonimmigrant and you want to submit an I-539 for a dependent spouse who is also requesting an Employment Authorization Document.
- I-907 application: only if the I-129 beneficiary is an E, H-1B, H-2B, H-3, L, O-1, O-2, P-1, P2, P3, P-Support Staff, Q, or TN nonimmigrant.
 - When e-Filing an I-907 concurrently with an I-129, the 15-day Premium Processing guarantee will not begin until the supporting documentation for the I-129 is received at the Service Center that has jurisdiction over the I-129.
 - If you e-File Form I-907 by itself or concurrently with any other application, please see the list of Special Mailing Addresses.
Please see e-Filing Forms Concurrently for more information.

Special Instructions:

NOTE: Failure to follow these instructions could delay the processing of the petition and affect the accuracy and/or completeness of any notices connected to this petition sent out by USCIS.

Submitting Named AND Unnamed Workers on your E-Filing Petition:

To properly e-File a Form I-129 with both named and unnamed workers, follow the steps below:

Part 2 of the online form:

- For TOTAL NUMBER OF UNNAMED WORKERS, enter a number that is one less than the actual number of unnamed workers for which you are E-Filing
Example: Enter the number 4 if you are filing for 5 unnamed workers, Enter the number 7 if you are filing for 8 unnamed workers, etc.
- For TOTAL NUMBER OF WORKERS IN THE PETITION, enter the actual number of unnamed and named workers for which you are E-Filing.
Example: If you are E-Filing for a total of 10 named and unnamed workers, enter the number 10.

Submitting ONLY Unnamed Workers on your E-Filing Petition:

To properly e-File a Form I-129 with only unnamed workers, follow the steps below:

Part 3 of the online form:

- For GIVEN NAME, enter "UNNAMED" in all capital letters.
- For FAMILY NAME, enter the word for the number of unnamed workers in all capital letters.
Example: Enter "TEN" in all capital letters if you are E-Filing for a total of ten unnamed workers.
- Leave the remaining information fields in Part 3 blank.
Ignore the blue warning message about leaving these fields blank that will appear when you select the "Continue" button to move to the next page.
To view a step-by-step depiction of the above instructions, see [Submitting Only Unnamed Workers](#).

Part 3 and Supplement-1 of the online form:

The online form automatically generates sets of data fields for each named worker as well as an extra set of data fields for the unnamed worker(s).

In this last, additional set of information data fields, please provide the following.

- For GIVEN NAME, enter "UNNAMED" in all capital letters.
Example: Enter "SEVEN" in all capital letters if you are e-Filing for a total of seven unnamed workers.
- Leave the remaining information data fields in this section blank.
NOTE: Ignore the blue warning message about leaving these fields blank that will appear when you select the "Continue" button to move to the next page. To view a step-by-step depiction of the above instructions, see [Submitting Named and Unnamed Workers](#).

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