

**I-129, Petition for a
Nonimmigrant Worker**

START HERE - Type or print in black ink.

For USCIS Use Only

Part 1. Information about the employer filing this petition *(If the employer is an individual, complete Number 1. Organizations should complete Number 2.)*

| | | |
|---|---|---|
| 1. Family Name (<i>Last Name</i>) | Given Name (<i>First Name</i>) | |
| <input style="width:90%;" type="text"/> | <input style="width:90%;" type="text"/> | |
| Full Middle Name | Telephone No. w/Area Code | |
| <input style="width:90%;" type="text"/> | (<input style="width:10%;" type="text"/>) <input style="width:70%;" type="text"/> | |
| 2. Company or Organization Name | Telephone No. w/Area Code | |
| <input style="width:90%;" type="text"/> | (<input style="width:10%;" type="text"/>) <input style="width:70%;" type="text"/> | |
| Mailing Address: (<i>Street Number and Name</i>) | | |
| <input style="width:90%;" type="text"/> | Suite # <input style="width:10%;" type="text"/> | |
| C/O: (<i>In Care Of</i>) | | |
| <input style="width:90%;" type="text"/> | | |
| City | State/Province | |
| <input style="width:90%;" type="text"/> | <input style="width:90%;" type="text"/> | |
| Country | Zip/Postal Code | E-Mail Address (<i>If Any</i>) |
| <input style="width:90%;" type="text"/> | <input style="width:90%;" type="text"/> | <input style="width:90%;" type="text"/> |
| Federal Employer Identification # | U.S. Social Security # | Individual Tax # |
| <input style="width:90%;" type="text"/> | <input style="width:90%;" type="text"/> | <input style="width:90%;" type="text"/> |

| | |
|---|---------|
| Returned | Receipt |
| Date | |
| Date | |
| Resubmitted | |
| Date | |
| Date | |
| Reloc Sent | |
| Date | |
| Date | |
| Reloc Rec'd | |
| Date | |
| Date | |
| <input type="checkbox"/> Petitioner Interviewed on _____ | |
| <input type="checkbox"/> Beneficiary Interviewed on _____ | |

Part 2. Information about this petition *(See instructions for fee information.)*

1. Requested Nonimmigrant Classification. *(Write classification symbol):*

2. Basis for Classification *(Check one):*

- a. New employment (including new employer filing H-1B extension).
- b. Continuation of previously approved employment without change with the same employer.
- c. Change in previously approved employment.
- d. New concurrent employment.
- e. Change of employer.
- f. Amended petition.

3. If you checked **Box 2b, 2c, 2d, 2e, or 2f**, give the petition receipt number.

4. **Prior Petition.** If the beneficiary is in the U.S. as a nonimmigrant and is applying to change and/or extend his or her status, give the prior petition or application receipt #:

5. Requested Action *(Check one):*

- a. Notify the office in **Part 4** so the person(s) can obtain a visa or be admitted. **(NOTE: a petition is not required for an E-1 or E-2 visa).**
- b. Change the person(s)' status and extend their stay since the person(s) are all now in the U.S. in another status *(see instructions for limitations)*. This is available only where you check "New Employment" in **Item 2**, above.
- c. Extend the stay of the person(s) since they now hold this status.

Class: _____

of Workers: _____

Priority Number: _____

Validity Dates: _____

From: _____

To: _____

Classification Approved

- Consulate/POE/PFI Notified At _____
- Extension Granted
- COS/Extension Granted

Partial Approval *(explain)*

Action Block

To Be Completed by
Attorney or Representative, if any.

Fill in box if G-28 is attached to represent the applicant.

ATTY State License # _____

Part 2. Information about this petition (See instructions for fee information.) (Continued)

- d. Amend the stay of the person(s) since they now hold this status.
- e. Extend the status of a nonimmigrant classification based on a Free Trade Agreement. (See Free Trade Supplement for TN and HIB1 to Form I-129).
- f. Change status to a nonimmigrant classification based on a Free Trade Agreement. (See Free Trade Supplement for TN and HIB1 to Form I-129).
6. Total number of workers in petition (See instructions relating to when more than one worker can be included):

Part 3. Information about the person(s) you are filing for Complete the blocks below. Use the continuation sheet to name each person included in this petition.

1. If an Entertainment Group, Give the Group Name

Family Name (Last Name)

Given Name (First Name)

Full Middle Name

All Other Names Used (include maiden name and names from all previous marriages)

Date of Birth (mm/dd/yyyy)

U.S. Social Security Number (if any)

A number (if any)

Country of Birth

Province of Birth

Country of Citizenship

2. If in the United States, Complete the Following:

Date of Last Arrival (mm/dd/yyyy)

I-94 Number (Arrival/Departure Document)

Current Nonimmigrant Status

Date Status Expires (mm/dd/yyyy)

Passport Number

Date Passport Issued (mm/dd/yyyy)

Date Passport Expires (mm/dd/yyyy)

Current U.S. Address

Part 4. Processing Information

1. If the person named in **Part 3** is outside the United States or a requested extension of stay or change of status cannot be granted, give the U.S. consulate or inspection facility you want notified if this petition is approved.

Type of Office (Check one):

 Consulate Pre-flight inspection Port of Entry

Office Address (City)

U.S. State or Foreign Country

Person's Foreign Address

Part 4. Processing Information *(Continued)*

2. Does each person in this petition have a valid passport?

Not required to have passport No - explain on separate paper Yes

3. Are you filing any other petitions with this one? No Yes - How many?

4. Are applications for replacement/initial I-94s being filed with this petition? No Yes - How many?

5. Are applications by dependents being filed with this petition? No Yes - How many?

6. Is any person in this petition in removal proceedings? No Yes - explain on separate paper

7. Have you ever filed an immigrant petition for any person in this petition? No Yes - explain on separate paper

8. If you indicated you were filing a new petition in **Part 2**, within the past seven years has any person in this petition:

a. Ever been given the classification you are now requesting? No Yes - explain on separate paper

b. Ever been denied the classification you are now requesting? No Yes - explain on separate paper

9. Have you ever previously filed a petition for this person? No Yes - explain on separate paper

10. If you are filing for an entertainment group, has any person in this petition not been with the group for at least one year? No Yes - explain on separate paper

Part 5. Basic information about the proposed employment and employer *(Attach the supplement relating to the classification you are requesting.)*

1. Job Title

2. Nontechnical Job Description

3. LCA Case Number

4. NAICS Code

5. Address where the person(s) will work if different from address in **Part 1**. *(Street number and name, city/town, state, zip code)*

6. Is this a full-time position?

No - Hours per week: Yes - Wages per week or per year:

7. Other Compensation *(Explain)*

8. Dates of intended employment *(mm/dd/yyyy)*:

From: To:

Part 5. Basic information about the proposed employment and employer *(Attach the supplement relating to the classification you are requesting.) (Continued)*

9. Type of Petitioner - *Check one:*

- U.S. citizen or permanent resident Organization Other - explain on separate paper

10. Type of Business

11. Year Established

12. Current Number of Employees

13. Gross Annual Income

14. Net Annual Income

Part 6. Signature *Read the information on penalties in the instructions before completing this section.*

I certify, under penalty of perjury under the laws of the United States of America, that this petition and the evidence submitted with it is all true and correct. If filing this on behalf of an organization, I certify that I am empowered to do so by that organization. If this petition is to extend a prior petition, I certify that the proposed employment is under the same terms and conditions as stated in the prior approved petition. I authorize the release of any information from my records, or from the petitioning organization's records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit being sought.

Signature

Daytime Phone Number *(Area/Country Code)*

Print Name

Date *(mm/dd/yyyy)*

NOTE: If you do not completely fill out this form and the required supplement, or fail to submit required documents listed in the instructions, the person(s) filed for may not be found eligible for the requested benefit and this petition may be denied.

Part 7. Signature of person preparing form, if other than above

I declare that I prepared this petition at the request of the above person and it is based on all information of which I have any knowledge.

Signature

Daytime Phone Number *(Area/Country Code)*

Print Name

Date *(mm/dd/yyyy)*

Firm Name and Address

1. Name of person or organization filing petition:

2. Name of person for whom you are filing:

3. Classification sought (*Check one*):

- E-1 Treaty trader E-2 Treaty investor

4. Name of country signatory to treaty with U.S.:

Section 1. Information about the employer outside the United States (if any)

Employer's Name

Total Number of Employees

Employer's Address (*Street number and name, city/town, state/province, zip/postal code*)

Principal Product, Merchandise or Service

Employee's Position - Title, duties and number of years employed

Section 2. Additional information about the U.S. Employer

1. The U.S. company is to the company outside the United States (*Check one*):

- Parent Branch Subsidiary Affiliate Joint Venture

2. Date and Place of Incorporation or Establishment in the United States

3. Nationality of Ownership (*Individual or Corporate*)

| Name (<i>First/Middle/Last</i>) | Nationality | Immigration Status | % Ownership |
|-----------------------------------|-------------|--------------------|-------------|
| | | | |
| | | | |
| | | | |

4. Assets

5. Net Worth

6. Total Annual Income

Section 2. Additional information about the U.S. Employer

7. Staff in the United States

a. How many executive and/or managerial employees does petitioner have who are nationals of the treaty country in either E or L status?

b. How many specialized qualifications or knowledge persons does the petitioner have who are nationals of the treaty country in either E or L status?

c. Provide the total number of employees in executive or managerial positions in the United States.

d. Provide the total number of specialized qualifications or knowledge persons positions in the United States.

8. Total number of employees the alien would supervise; or describe the nature of the specialized skills essential to the U.S. company.

Section 3. Complete if filing for an E-1 Treaty Trader

1. Total Annual Gross Trade/Business of the U.S. company 2. For Year Ending (yyyy) 3. Percent of total gross trade between the United States and the country of which the treaty trader organization is a national.

Section 4. Complete if filing for an E-2 Treaty Investor

| | | | |
|--------------------------|----------------------|----------------------|----------------------|
| Total Investment: | Cash | Equipment | Other |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | Inventory | Premises | Total |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> |

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

Nonimmigrant Classification Based on Free Trade Agreement-Supplement to Form I-129

- | | |
|--|--|
| <p>1. Name of person or organization filing petition:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | <p>2. Name of person you are filing for:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> |
| <p>3. Employer is a (<i>Check one</i>):</p> <p><input type="checkbox"/> U.S. Employer <input type="checkbox"/> Foreign Employer</p> | <p>4. If Foreign Employer, name the foreign country.</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> |

Section 1. Information about requested extension or change (*See instructions attached to this form.*)

- | | | |
|---|------------------|--|
| <p>1. This is a request for an extension of Free Trade status based on (<i>Check one</i>):</p> <p>a. <input type="checkbox"/> Free Trade, Canada (TN)</p> <p>b. <input type="checkbox"/> Free Trade, Chile (H1B1)</p> <p>c. <input type="checkbox"/> Free Trade, Mexico (TN)</p> <p>d. <input type="checkbox"/> Free Trade, Singapore (H1B1)</p> <p>e. <input type="checkbox"/> Free Trade, Other</p> <p>f. <input type="checkbox"/> I am an H-1B1 Free Trade Nonimmigrant from Chile or Singapore and this is my sixth consecutive request for an extension.</p> | <p>Or</p> | <p>2. This is a request for a change of nonimmigrant status to (<i>Check one</i>):</p> <p>a. <input type="checkbox"/> Free Trade, Canada (TN)</p> <p>b. <input type="checkbox"/> Free Trade, Chile (H1B1)</p> <p>c. <input type="checkbox"/> Free Trade, Mexico (TN)</p> <p>d. <input type="checkbox"/> Free Trade, Singapore (H1B1)</p> <p>e. <input type="checkbox"/> Free Trade, Other</p> <p>f. <input type="checkbox"/> I am an H-1B1 Free Trade Nonimmigrant from Chile or Singapore and this is my first request for a change of status to H-1B1 within the past six years.</p> |
|---|------------------|--|

Part 2. Signature *Read the information on penalties in the instructions before completing this section.*

I certify, under penalty of perjury under the laws of the United States of America, that this petition and the evidence submitted with it is all true and correct. If filing this on behalf of an organization, I certify that I am empowered to do so by that organization. If this petition is to extend a prior petition, I certify that the proposed employment is under the same terms and conditions as stated in the prior approved petition. I authorize the release of any information from my records, or from the petitioning organization's records, that the U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit being sought.

| | |
|---|---|
| Signature | Daytime Phone Number (<i>Area/Country Code</i>) |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | <div style="border: 1px solid black; height: 20px; width: 100%; text-align: center;">()</div> |
| Print Name | Date (<i>mm/dd/yyyy</i>) |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | <div style="border: 1px solid black; height: 20px; width: 100%;"></div> |

NOTE: If you do not completely fill out this form and the required supplement, or fail to submit required documents listed in the instructions, the person(s) filed for may not be found eligible for the requested benefit and this petition may be denied.

Part 3. Signature of person preparing form, if other than above

I declare that I prepared this petition at the request of the above person and it is based on all information of which I have any knowledge.

| | |
|---|---|
| Signature | Daytime Phone Number (<i>Area/Country Code</i>) |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | <div style="border: 1px solid black; height: 20px; width: 100%; text-align: center;">()</div> |
| Print Name | Date (<i>mm/dd/yyyy</i>) |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | <div style="border: 1px solid black; height: 20px; width: 100%;"></div> |
| Firm Name and Address | |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | |

1. Name of person or organization filing petition:

2. Name of person or total number of workers or trainees you are filing for:

3. List each alien's prior periods of stay in H or L classification in the United States for the last six years (aliens requesting H-2A or H-2B classification need only list the last three years). Be sure to only list those periods in which each alien was actually in the United States in an H or L classification. Do not include periods in which the alien was in a dependent status, for example, H-4 or L-2 status.

NOTE: Submit photocopies of Forms I-94, I-797, and/or other USCIS issued documents noting these periods of stay in the H or L classification. If more space is needed, attach an additional sheet.

| Subject's Name | Period of Stay (mm/dd/yyyy) | |
|----------------|-----------------------------|----|
| | From | To |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

4. Classification sought (*Check one*):

- | | |
|---|---|
| <input type="checkbox"/> H-1B1 Specialty occupation <input type="checkbox"/> H-1B2 Exceptional services relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD) <input type="checkbox"/> H-1B3 Fashion model of national or international acclaim | <input type="checkbox"/> H-2A Agricultural worker <input type="checkbox"/> H-2B Non-agricultural worker <input type="checkbox"/> H-3 Trainee <input type="checkbox"/> H-3 Special education exchange visitor program |
|---|---|

Section 1. Complete this section if filing for H-1B classification

1. Describe the proposed duties

2. Alien's present occupation and summary of prior work experience

Section 1. Complete this section if filing for H-1B classification (Continued)

Statement for H-1B specialty occupations only:

By filing this petition, I agree to the terms of the labor condition application for the duration of the alien's authorized period of stay for H-1B employment.

Petitioner's Signature**Print or Type Name****Date (mm/dd/yyyy)**

Statement for H-1B specialty occupations and U.S. Department of Defense projects:

As an authorized official of the employer, I certify that the employer will be liable for the reasonable costs of return transportation of the alien abroad if the alien is dismissed from employment by the employer before the end of the period of authorized stay.

Signature of Authorized Official of Employer**Print or Type Name****Date (mm/dd/yyyy)**

Statement for H-1B U.S. Department of Defense projects only:

I certify that the alien will be working on a cooperative research and development project or a co-production project under a reciprocal government-to-government agreement administered by the U.S. Department of Defense.

DOD Project Manager's Signature**Print or Type Name****Date (mm/dd/yyyy)**

Section 2. Complete this section if filing for H-2A or H-2B classification

1. Employment is: (Check one)**2. Temporary need is: (Check one)**

- a. Seasonal c. Intermittent
b. Peak Load d. One-time occurrence

- a. Unpredictable c. Recurrent annually
b. Periodic

3. Explain your temporary need for the alien's services (attach a separate sheet if additional space is needed.)

Section 2. Complete this section if filing for H-2A or H-2B classification (Continued)

4. List the country(ies) of citizenship of the H-2A/H-2B worker(s) you plan to hire.

Name of country(ies):

5. If the H-2A or H-2B workers you plan to hire are not from a country that has been designated as a participating country in accordance with 8 CFR 214.2(h)(5)(i)(F)(1) or 214.2(h)(6)(i)(E)(1), you must provide all the information requested below. See www.uscis.gov website for the list of participating countries. (Attach a separate sheet if additional space is needed)

Family Name (Last Name):

Given Name (First Name):

Full Middle Name:

Date of Birth (mm/dd/yyyy)

All Other Names Used:

Country of Birth:

Country of Citizenship:

6. a. Have any of the workers listed in Number 5 above ever been admitted to the United States previously in H-2A/H-2B status? Yes No

Visa Classification (H-2A or H-2B):

- b. If you answered question 6 a. "Yes," did they comply with the terms of their status? Yes No

If you answered question 6 b. "Yes," attach evidence of the workers' compliance.

- c. If the H-2A or H-2B worker(s) you plan to hire are from a country not on the list of eligible countries, and you want the petition to be considered for approval, you must also provide evidence that: (1) a worker with the required skills is not available from a country on the list of eligible countries; (2) there is no potential for abuse, fraud, or other harm to the integrity of the H-2A/H-2B visa program through the potential admission of these worker(s) that you plan to hire; and (3) there are other factors that would serve the U.S. interest (if any).

7. Did you or do you plan to use a staffing, recruiting, or similar placement service or agent to locate the H-2A/H-2B workers that you intend to hire by filing this petition? Yes No

If "Yes," list the name and address of service used.

Name: _____

Address: _____

8. Did any of the H-2A/H-2B workers that you have located or plan to hire pay you, the above service, or any service or agent, any form of compensation as a condition of the employment or do they have an agreement to pay you or the service at a later date? (Do not include reasonable travel expenses, government visa fees, or other reasonable fees for which the worker is responsible.) See 8 CFR 214.2(h)(5)(xi)(A) or 214.2(h)(6)(i)(B). Yes No

Section 2. Complete this section if filing for H-2A or H-2B classification (Continued)

If the workers paid a fee, have they been reimbursed for such fees or compensation, or if the workers had an agreement to pay a fee that has not been paid, has that agreement been terminated before being paid by the workers?

Yes No

(Attach evidence of termination or reimbursement to this petition.)

9. Have you ever had an H-2A/H-2B petition denied or revoked because an employee paid a job placement fee or other similar compensation as a condition of the job offer?

Yes No

If "Yes,"

When? _____

Receipt Number: _____

Was the worker(s) reimbursed for such fees or compensation?

Yes No

(Attach evidence of reimbursement.)

If you answered "No" because of failure to locate the worker, attach evidence of the efforts to locate the worker.

10. If you are an H-2A petitioner, are you a participant in the E-Verify program?

Yes No

If "Yes," E-Verify Company ID or Client Company ID: _____

The H-2A/H-2B petitioner and each employer consent to allow government access to the site where the labor is being performed for the purpose of determining compliance with H-2A/H-2B requirements. The petitioner further agrees to notify DHS beginning on a date and in a manner specified in a notice published in the Federal Register within 2 workdays if: an H-2A/H-2B worker fails to report for work within 5 workdays after the employment start date stated on the petition or, applicable to H-2A petitioners only, within 5 workdays of the start date established by the petitioner, whichever is later; the agricultural labor or services for which H-2A/H-2B workers were hired is completed more than 30 days early; or the H-2A/H-2B worker absconds from the worksite or is terminated prior to the completion of agricultural labor or services for which he or she was hired. The petitioner agrees to retain evidence of such notification and make it available for inspection by DHS officers for a one-year period. "Workday" means the period between the time on any particular day when such employee commences his or her principal activity and the time on that day at which he or she ceases such principle activity or activities.

For H-2A petitioners only: The petitioner agrees to pay \$10 in liquidated damages for each instance where it cannot demonstrate it is in compliance with the notification requirement.

The petitioner must execute **Part A**. If the petitioner is the employer's agent, the employer must execute **Part B**. If there are joint employers, they must each execute **Part C**.

Part A. Petitioner:

By filing this petition, I agree to the conditions of H-2A/H-2B employment and agree to the notification requirements. For H-2A petitioners: I also agree to the liquidated damages requirements defined in 8 CFR 214.2(h)(5)(vi)(B)(3).

Petitioner's Signature

Print or Type Name

Date (mm/dd/yyyy)

Part B. Employer who is not the petitioner:

I certify that I have authorized the party filing this petition to act as my agent in this regard. I assume full responsibility for all representations made by this agent on my behalf and agree to the conditions of H-2A/H-2B eligibility.

Employer's Signature

Print or Type Name

Date (mm/dd/yyyy)

Part C. Joint Employers:

I agree to the conditions of H-2A eligibility.

Joint Employer's Signature(s)

Print or Type Name

Date (mm/dd/yyyy)

Joint Employer's Signature(s)

Print or Type Name

Date (mm/dd/yyyy)

Joint Employer's Signature(s)

Print or Type Name

Date (mm/dd/yyyy)

Joint Employer's Signature(s)

Print or Type Name

Date (mm/dd/yyyy)

Section 3. Complete this section if filing for H-3 classification

1. If you answer "yes" to any of the following questions, attach a full explanation.

- a. Is the training you intend to provide, or similar training, available in the alien's country? No Yes
-
- b. Will the training benefit the alien in pursuing a career abroad? No Yes
-
- c. Does the training involve productive employment incidental to training? No Yes
-
- d. Does the alien already have skills related to the training? No Yes
-
- e. Is this training an effort to overcome a labor shortage? No Yes
-
- f. Do you intend to employ the alien abroad at the end of this training? No Yes

2. If you do not intend to employ this person abroad at the end of this training, explain why you wish to incur the cost of providing this training and your expected return from this training.

H-1B Data Collection and
Filing Fee Exemption Supplement

Petitioner's Full Name [Text Box]

Part A. General Information

1. Employer Information - (check all items that apply)

- a. Is the petitioner a dependent employer? [] No [] Yes
b. Has the petitioner ever been found to be a willful violator? [] No [] Yes
c. Is the beneficiary an exempt H-1B nonimmigrant? [] No [] Yes
1. If yes, is it because the beneficiary's annual rate of pay is equal to at least \$60,000? [] No [] Yes
2. Or is it because the beneficiary has a master's or higher degree in a speciality related to the employment? [] No [] Yes
d. Has the petitioner received TARP funding? [] No [] Yes

2. Beneficiary's Last Name, First Name, Middle Name, Attention To or In Care Of, Current Residential Address - Street Number and Name, Apt. #, City, State, Zip/Postal Code, U.S. Social Security # (If Any), I-94 # (Arrival/Departure Document), Previous Receipt # (If Any)

3. Beneficiary's Highest Level of Education (Check one box below)

- [] NO DIPLOMA [] Associate's degree (for example: AA, AS)
[] HIGH SCHOOL GRADUATE - high school DIPLOMA or the equivalent (example: GED) [] Bachelor's degree (for example: BA, AB, BS)
[] Some college credit, but less than one year [] Master's degree (for example: MA, MS, MEng, MEd, MSW, MBA)
[] One or more years of college, no degree [] Professional degree (for example: MD, DDS, DVM, LLB, JD)
[] Doctorate degree (for example: PhD, EdD)

4. Major/Primary Field of Study

[Grid of boxes for Major/Primary Field of Study]

5. Has the beneficiary of this petition 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)?

[] No [] Yes (If "Yes" provide the following information):

Name of the U.S. institution of higher education, Date Degree Awarded, Type of U.S. Degree, Address of the U.S. institution of higher education

6. Rate of Pay Per Year

[Text Box for Rate of Pay Per Year]

7. LCA Code

[Grid of boxes for LCA Code]

8. NAICS Code

[Grid of boxes for NAICS Code]

Part B. Fee Exemption and/or Determination

In order for USCIS to determine if you must pay the additional **\$1,500** or **\$750** fee, answer all of the following questions:

1. Yes No Are you an institution of higher education as defined in the Higher Education Act of 1965, section 101 (a), 20 U.S.C. section 1001(a)?
2. Yes No Are you a nonprofit organization or entity related to or affiliated with an institution of higher education, as such institutions of higher education are defined in the Higher Education Act of 1965, section 101 (a), 20 U.S.C. section 1001(a)?
3. Yes No Are you a nonprofit research organization or a governmental research organization, as defined in 8 CFR 214.2(h)(19)(iii)(C)?
4. Yes No Is this the second or subsequent request for an extension of stay that you have filed for this alien?
5. Yes No Is this an amended petition that does not contain any request for extensions of stay?
6. Yes No Are you filing this petition in order to correct a USCIS error?
7. Yes No Is the petitioner a primary or secondary education institution?
8. Yes No Is the petitioner a non-profit entity that engages in an established curriculum-related clinical training of students registered at such an institution?

If you answered "Yes" to any of the questions above, then you are required to submit the fee for your H-1B Form I-129 petition, which is \$320. If you answered "No" to all questions, please answer Question 9.

9. Yes No Do you currently employ a total of no more than 25 full-time equivalent employees in the United States, including any affiliate or subsidiary of your company?

If you answered "Yes" to Question 9 above, then you are required to pay an additional fee of \$750. If you answered "No", then you are required to pay an additional fee of \$1,500.

NOTE: On or after March 8, 2005, a U.S. employer seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another U.S. employer, must submit an additional \$500 fee. This additional \$500 Fraud Prevention and Detection fee was mandated by the provisions of the H-1B Visa Reform Act of 2004.

There is no exemption from this fee.

Part C. Numerical Limitation Exemption Information

1. Yes No Are you an institution of higher education as defined in the Higher Education Act of 1965, section 101 (a), 20 U.S.C. section 1001(a)?
2. Yes No Are you a nonprofit organization or entity related to or affiliated with an institution of higher education, as such institutions of higher education as defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. section 1001(a)?
3. Yes No Are you a nonprofit research organization or a governmental research organization, as defined in 8 CFR 214.2(h)(19)(iii)(C)?
4. Yes No Is the beneficiary of this petition a J-1 nonimmigrant alien who received a waiver of the two-year foreign residency requirement described in section 214 (l)(1)(B) or (C) of the Act?
5. Yes No Has the beneficiary of this petition been previously granted status as an H-1B nonimmigrant in the past 6 years and not left the United States for more than one year after attaining such status?
6. Yes No If the petition is to request a change of employer, did the beneficiary previously work as an H-1B for an institution of higher education, an entity related to or affiliated with an institution of higher education, or a nonprofit research organization or governmental research institution defined in questions 1, 2 and 3 of Part C of this form?

Part C. Numerical Limitation Exemption Information (Continued)

7. Yes No Has the beneficiary of this petition earned a master's or higher degree from a U.S. institution of higher education, as defined in the Higher Education Act of 1965, section 101(a), 20 U.S.C. section 1001(a)?
-

I certify under penalty of perjury, under the laws of the United States of America, that this attachment and the evidence submitted with it is true and correct. If filing this on behalf of an organization or entity, I certify that I am empowered to do so by that organization or entity. I authorize the release of any information from my records, or from the petitioning organization or entity's records, that U.S. Citizenship and Immigration Services may need to determine eligibility for the exemption being sought.

Certification

Signature

Date (mm/dd/yyyy)

Print Name

Title

1. Name of person or organization filing petition:

2. Name of person you are filing for:

3. This petition is (*Check one*):

a. An individual petition

b. A blanket petition

Section 1. Complete this section if filing for an individual petition

1. Classification sought (*Check one*):

a. L-1A manager or executive

b. L-1B specialized knowledge

2. List the alien's and any dependent family member's prior periods of stay in an H or L classification in the United States for the last seven years. Be sure to list only those periods in which the alien and/or family members were actually in the U.S. in an H or L classification. **NOTE:** Submit photocopies of Forms I-94, I-797 and/or other USCIS issued documents noting these periods of stay in the H or L classification. If more space is needed, attach an additional sheet(s).

| Subject's Name | Period of Stay (mm/dd/yyyy) |
|----------------|-----------------------------|
| | From: _____ To: _____ |
| | From: _____ To: _____ |
| | From: _____ To: _____ |
| | From: _____ To: _____ |
| | From: _____ To: _____ |

3. Name of employer abroad

4. Address of employer abroad (*Street number and name, city/town, state/province, zip/postal code*)

5. Dates of alien's employment with this employer. Explain any interruptions in employment.

| Dates of Employment (mm/dd/yyyy) | Explanation of Interruptions |
|----------------------------------|------------------------------|
| From: _____ To: _____ | |
| From: _____ To: _____ | |
| From: _____ To: _____ | |

6. Description of the alien's duties for the past three years.

7. Description of the alien's proposed duties in the United States.

8. Summary of the alien's education and work experience.

1. Name of person or organization filing petition:

2. Name of person you are filing for:

Section 1. Complete this section if filing for an individual petition (Continued)

9. The U.S. company is to the company abroad: (Check one)

- a. Parent b. Branch c. Subsidiary d. Affiliate e. Joint Venture

10. Describe the stock ownership and managerial control of each company. Provide the U.S. Tax Code Number for each company.

| Company stock ownership and managerial control of each company | U.S. Tax Code Number |
|--|----------------------|
| | |
| | |

11. Do the companies currently have the same qualifying relationship as they did during the one-year period of the alien's employment with the company abroad?

- Yes No (Attach explanation)

12. Is the alien coming to the United States to open a new office?

- Yes (Attach explanation) No

13. If you are seeking L-1B specialized knowledge status for an individual, answer the following question:

Will the beneficiary be stationed primarily offsite (at the worksite of an employer other than the petitioner or its affiliate, subsidiary, or parent)?

- Yes No

If you answered "Yes" to the preceding question, describe how and by whom the beneficiary's work will be controlled and supervised. Include a description of the amount of time each supervisor is expected to control and supervise the work. Use an attachment if needed.

If you answered "Yes" to the preceding question, also describe the reasons why placement at another worksite outside the petitioner, subsidiary or parent is needed. Include a description of how the beneficiary's duties at another worksite relate to the need for the specialized knowledge he or she possesses. Use an attachment if needed.

Section 2. Complete this section if filing a blanket petition

List all U.S. and foreign parent, branches, subsidiaries and affiliates included in this petition. (Attach a separate sheet(s) of paper if additional space is needed.)

| Name and Address | Relationship |
|------------------|--------------|
| | |
| | |

Section 3. Fraud Prevention and Detection Fee

As of **March 8, 2005**, a U.S. employer seeking initial approval of L nonimmigrant status for a beneficiary, or seeking approval to employ an L nonimmigrant currently working for another U.S. employer, must submit an additional **\$500** fee. This additional **\$500.00** Fraud Prevention and Detection fee was mandated by the provisions of the H-1B Visa Reform Act of 2004. **There is no exemption from this fee.** You must include payment of this **\$500** fee with your submission of this form. Failure to submit the fee when required will result in rejection or denial of your submission.

**O and P Classifications
Supplement to Form I-129**

1. Name of person or organization filing petition:

2. Name of person or group or total number of workers you are filing for:

3. Classification sought (Check one):

- | | |
|---|---|
| <p>a. <input type="checkbox"/> O-1A Alien of extraordinary ability in sciences, education, business or athletics (not including the arts, motion picture or television industry.)</p> <p>b. <input type="checkbox"/> O-1B Alien of extraordinary ability in the arts or extraordinary achievement in the motion picture or television industry.</p> <p>c. <input type="checkbox"/> O-2 Accompanying alien who is coming to the U.S. to assist in the performance of the O-1.</p> | <p>d. <input type="checkbox"/> P-1 Athletic/Entertainment group.</p> <p>e. <input type="checkbox"/> P-1S Essential Support Personnel for P-1.</p> <p>f. <input type="checkbox"/> P-2 Artist or entertainer for reciprocal exchange program.</p> <p>g. <input type="checkbox"/> P-2S Essential Support Personnel for P-2.</p> <p>h. <input type="checkbox"/> P-3 Artist/Entertainer coming to the United States to perform, teach or coach under a program that is culturally unique.</p> <p>i. <input type="checkbox"/> P-3S Essential Support Personnel for P-3.</p> |
|---|---|

4. Explain the nature of the event

5. Describe the duties to be performed

6. If filing for an O-2 or P support alien, list dates of the alien's prior experience with the O-1 or P alien

7. Have you obtained the required written consultation(s)? Yes - Attached No - Copy of request attached

If not, give the following information about the organization(s) to which you have sent a duplicate of this petition.

O-1 Extraordinary Ability

| | |
|-------------------------------|---|
| Name of Recognized Peer Group | Daytime Telephone # (Area/Country Code) |
| <input type="text"/> | () |
| Complete Address | Date Sent (mm/dd/yyyy) |
| <input type="text"/> | <input type="text"/> |

O-1 Extraordinary achievement in motion pictures or television

| | |
|---------------------------------|---|
| Name of Labor Organization | Daytime Telephone # (Area/Country Code) |
| <input type="text"/> | () |
| Complete Address | Date Sent (mm/dd/yyyy) |
| <input type="text"/> | <input type="text"/> |
| Name of Management Organization | Daytime Telephone # (Area/Country Code) |
| <input type="text"/> | () |
| Complete Address | Date sent (mm/dd/yyyy) |
| <input type="text"/> | <input type="text"/> |

O-2 or P alien

| | |
|----------------------------|---|
| Name of Labor Organization | Daytime Telephone # (Area/Country Code) |
| <input type="text"/> | () |
| Complete Address | Date Sent (mm/dd/yyyy) |
| <input type="text"/> | <input type="text"/> |

Q-1 and R-1 Classifications Supplement to Form I-129

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

1. Name of person or organization filing petition:

2. Name of person you are filing for:

Section 1. Complete this section if you are filing for a Q-1 international cultural exchange alien

I hereby certify that the participant(s) in the international cultural exchange program:

- A. Is at least 18 years of age,
- B. Is qualified to perform the service or labor or receive the type of training stated in the petition,
- C. Has the ability to communicate effectively about the cultural attributes of his or her country of nationality to the American public, and
- D. Has resided and been physically present outside the United States for the immediate prior year, if he or she was previously admitted as a Q-1.

I also certify that I will offer the alien(s) the same wages and working conditions comparable to those accorded local domestic workers similarly employed.

Petitioner's signature

Date (mm/dd/yyyy)

Section 2. Complete this section if you are filing for an R-1 religious worker

Employer Attestation

1. Provide the following information about the prospective employer.

a. Number of members of the prospective employer's organization

b. Number of employees working at the same location where the beneficiary will be employed

c. Number of aliens holding special immigrant or nonimmigrant religious worker status currently employed or employed within the past five years

d. Number of Special Immigrant Religious Worker I-360 and Nonimmigrant Religious Worker I-129 Petitions Submitted by the prospective employer within the past five years

2. Has the alien or any of the alien's dependent family members previously been admitted to the United States for a period of stay in the R visa classification for the last five years?

Yes

No

Section 2. Complete this section if you are filing for an R-1 religious worker (continued)

If yes, complete the blanks below. List the alien and any dependent family member's prior periods of stay in the R visa classification in the United States for the last five years. Be sure to list only those periods in which the alien and/or family members were actually in the United States in an R classification.

NOTE: Submit photocopies of Forms I-94 (Arrival-Departure Record), I-797 (Notice of Action), and/or other USCIS documents identifying these periods of stay in the R visa classification(s). If more space is needed, provide the information on additional sheets of paper.

| Alien or Dependent Family Member's Name | Period of Stay (mm/dd/yyyy) | |
|---|-----------------------------|-----|
| | From: | To: |
| | | |
| | | |
| | | |
| | | |

3. Provide a summary of the type of responsibilities of those employees who work at the same location where the beneficiary will be employed. If additional space is needed, provide the information on additional paper.

| Position | Summary of the Type of Responsibilities for That Position |
|----------|---|
| | |
| | |
| | |
| | |

Section 2. Complete this section if you are filing for an R-1 religious worker (continued)

4. Describe the relationship, if any, between the religious organization in the United States and the organization abroad of which the alien is a member.

5. Provide the following information about the prospective employment:

Title of position offered.

Detailed description of the alien's proposed daily duties.

Description of the alien's qualifications for the position offered.

Description of the proposed salaried compensation or non-salaried compensation. If the alien will be self-supporting, the petitioner must submit documentation establishing that the position the alien 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.

Section 2. Complete this section if you are filing for an R-1 religious worker (continued)

List of the specific address(es) or location(s) where the alien will be working.

Does the prospective employer attest to all of the requirements described in statements 6 through 12 below?

6. The prospective employer is a bona fide non-profit organization or a bona fide organization that is affiliated with the religious denomination and is tax-exempt as described in section 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code. If the petitioner is affiliated with the religious denomination, complete Form I-129 Religious Denomination Certification.
- Yes No If "No," attach explanation(s).
7. The prospective employer is willing and able to provide salaried or non-salaried compensation to the alien. If the alien will be self-supporting, the petitioner must submit documentation establishing that the position the alien 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.
- Yes No If "No," attach explanation(s).
8. If the alien worked in the United States during the two years immediately before the petition was filed, the alien received verifiable salaried or non-salaried compensation, or provided uncompensated self-support.
- Yes No If "No," attach explanation(s).
9. If the position is not a religious vocation, the alien will not engage in secular employment, and the prospective employer will provide salaried or non-salaried compensation. If the position is a traditionally uncompensated and not a religious vocation, the alien will not engage in secular employment, and the alien will provide self-support.
- Yes No If "No," attach explanation(s).
10. If the offered position requires at least 20 hours of work per week, or if fewer than 20 hours per week, the compensated service for another religious organization and the compensated service at the petitioning organization will total 20 hours per week. If the alien will be self-supporting, the petitioner must submit documentation establishing that the position the alien 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.
- Yes No If "No," attach explanation(s).

Section 2. Complete this section if you are filing for an R-1 religious worker (Continued)

11. The alien is qualified to perform the duties of the offered position.

Yes No If "No," attach explanation(s).

12. The prospective employer will notify USCIS within 14 days of any changes in the alien's employment, including working fewer than the required number of hours or having been released or otherwise terminated from employment before the end of the authorized R-1 stay.

Yes No If "No," attach explanation(s).

I certify under penalty of perjury under the laws of the United States of America that the contents of this attestation and the evidence submitted with it are true and correct.

Signature

Date (mm/dd/yyyy)

Printed Name

Title

Employer/Organization Name

Employer/Organization Street Address (*do not use a post office or private mail box*)

Suite Number

City

State

Zip Code

Daytime Phone Number (*with area code*)

Fax Number (*if any*)

E-mail Address (*if any*)

Section 2. Complete this section if you are filing for an R-1 religious worker (Continued)

Religious Denomination Certification

I certify under penalty of perjury under the laws of the United States of America that:

Name of Employing Organization

is affiliated with:

Name of Religious Denomination

and that the attesting organization within the religious denomination is tax-exempt as described in section under 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code. The contents of this certification are true and correct to the best of my knowledge.

Signature

Date (mm/dd/yyyy)

Printed Name

Title

Attesting Organization Name

Attesting Organization Street Address (do not use a post office or private mail box)

Suite Number

City

State

Zip Code

Daytime Phone Number (with area code)

Fax Number (if any)

E-mail Address (if any)

Attachment - 1

Attach to Form I-129 when more than one person is included in the petition. (List each person separately. Do not include the person you named on the Form I-129.)

| | | | | |
|--|-------------------------------|-------------------------------------|------------------------------------|--------------------------------------|
| Family Name (Last Name) | Given Name (First Name) | Full Middle Name | Date of Birth <i>mm/dd/yyyy</i> | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Address in the United States Where You Intend to Live (Complete Address) | | | | |
| <input type="text"/> | | | | |
| Foreign Address (Complete Address) | | | | |
| <input type="text"/> | | | | |
| Country of Birth | Country of Citizenship | U.S. Social Security # (if any) | A # (if any) | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| IF IN THE U.S. | Date of Arrival (mm/dd/yyyy) | I-94 # (Arrival-Departure Document) | Current Nonimmigrant Status | Date Status Expires (mm/dd/yyyy) |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | Country Where Passport Issued | Passport Number | Date Passport Expires (mm/dd/yyyy) | Date Started With Group (mm/dd/yyyy) |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

| | | | | |
|--|-------------------------------|-------------------------------------|------------------------------------|--------------------------------------|
| Family Name (Last Name) | Given Name (First Name) | Full Middle Name | Date of Birth <i>mm/dd/yyyy</i> | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Address in the United States Where You Intend to Live (Complete Address) | | | | |
| <input type="text"/> | | | | |
| Foreign Address (Complete Address) | | | | |
| <input type="text"/> | | | | |
| Country of Birth | Country of Citizenship | U.S. Social Security # (if any) | A # (if any) | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| IF IN THE U.S. | Date of Arrival (mm/dd/yyyy) | I-94 # (Arrival-Departure Document) | Current Nonimmigrant Status | Date Status Expires (mm/dd/yyyy) |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | Country Where Passport Issued | Passport Number | Date Passport Expires (mm/dd/yyyy) | Date Started With Group (mm/dd/yyyy) |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Attachment - 1

Attach to Form I-129 when more than one person is included in the petition. (List each person separately. Do not include the person you named on the Form I-129.)

| | | | | |
|--|-------------------------------|-------------------------------------|------------------------------------|--------------------------------------|
| Family Name (Last Name) | Given Name (First Name) | Full Middle Name | Date of Birth <i>mm/dd/yyyy</i> | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Address in the United States Where You Intend to Live (Complete Address) | | | | |
| <input type="text"/> | | | | |
| Foreign Address (Complete Address) | | | | |
| <input type="text"/> | | | | |
| Country of Birth | Country of Citizenship | U.S. Social Security # (if any) | A # (if any) | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| IF IN THE U.S. | Date of Arrival (mm/dd/yyyy) | I-94 # (Arrival-Departure Document) | Current Nonimmigrant Status | Date Status Expires (mm/dd/yyyy) |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | Country Where Passport Issued | Passport Number | Date Passport Expires (mm/dd/yyyy) | Date Started With Group (mm/dd/yyyy) |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

| | | | | |
|--|-------------------------------|-------------------------------------|------------------------------------|--------------------------------------|
| Family Name (Last Name) | Given Name (First Name) | Full Middle Name | Date of Birth <i>mm/dd/yyyy</i> | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Address in the United States Where You Intend to Live (Complete Address) | | | | |
| <input type="text"/> | | | | |
| Foreign Address (Complete Address) | | | | |
| <input type="text"/> | | | | |
| Country of Birth | Country of Citizenship | U.S. Social Security # (if any) | A # (if any) | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| IF IN THE U.S. | Date of Arrival (mm/dd/yyyy) | I-94 # (Arrival-Departure Document) | Current Nonimmigrant Status | Date Status Expires (mm/dd/yyyy) |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | Country Where Passport Issued | Passport Number | Date Passport Expires (mm/dd/yyyy) | Date Started With Group (mm/dd/yyyy) |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |