

TABLE OF CHANGES – INSTRUCTIONS
Form I-129, Petition for a Nonimmigrant Worker
OMB Number: 1615-0009
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Project Phase: OGCReview

Legend for Proposed Text:

- Black font = Current text
- Red font = Changes

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Current Page Number and Section	Current Text	Proposed Text
<p>Page 3, Who May File Form I-129?</p>	<p>[Page 3]</p> <p>Who May File Form I-129?</p> <p>General. A U.S. employer may file this form and applicable supplements to classify a beneficiary 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.</p> <p>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</p>	<p>[Page 3]</p> <p>Who May File Form I-129?</p> <p>[no change]</p> <p>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</p>

	<p>information on any other services planned for the period of time requested.</p> <p>...</p> <p>Multiple locations. A petition for beneficiaries 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.</p> <p>...</p>	<p>information on any other services planned for the period of time requested. The itinerary requirement does not apply to any H classifications.</p> <p>...</p> <p>Multiple locations. A petition for beneficiaries 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. The itinerary requirement does not apply to any H classifications.</p> <p>...</p>
<p>Pages 3-6, General Filing Instructions</p>	<p>[Page 3]</p> <p>General Filing Instructions</p> <p>We provide free forms through the USCIS website. To view, print, or complete our forms, you should use the latest version of Adobe Reader, which you can download for free at http://get.adobe.com/reader/. If you do not have internet access, you may call the USCIS Contact Center and ask that we mail a form to you.</p> <p>...</p> <p>Petitioner Information</p> <p>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.</p> <p>Basis for Classification The following explains the choices listed in Part 2., Item Number 2., of the Form I-129.</p> <p>A. New employment. Check this box if the beneficiary:</p> <p>...</p> <p>[Page 6]</p> <p>D. Amend the stay of each beneficiary</p>	<p>[Page 3]</p> <p>General Filing Instructions</p> <p>[no change]</p> <p>...</p> <p>Petitioner Information</p> <p>[no change]</p> <p>...</p> <p>[Page 6]</p>

	<p>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.</p> <p>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.</p> <p>...</p> <p>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 CFR 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.</p> <p>...</p>	<p>D. Amend the stay of each beneficiary who now holds this status and is not seeking additional time from their current authorized period of stay. Check this box if the beneficiary is currently in the United States in the same nonimmigrant classification and you are not seeking additional time from their current authorized period of stay.</p> <p>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.</p> <p>...</p> <p>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 CFR 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.</p> <p>...</p>
<p>Page 7, Classification – Initial Evidence</p>	<p>[Page 7]</p> <p>Classification - Initial Evidence</p> <p>For all classifications, if a beneficiary is seeking a change of status or extension of stay, evidence of maintenance of status</p>	<p>Classification - Initial Evidence</p> <p>For all classifications, if a beneficiary is seeking a change of status, extension of stay, or amendment of stay, evidence of</p>

	<p>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.</p> <p>...</p> <p>Reduced Fees For Small Employers and Non-Profits</p> <p>You may qualify for a reduced fee on this form and the associated asylum program fee if you:</p> <ol style="list-style-type: none"> 1. Have 25 or fewer full-time equivalent employees in the United States, including any affiliates and subsidiaries; or <ul style="list-style-type: none"> • Reduced fee for form and asylum program fee. • Possible evidence to support eligibility for the reduced fees includes a copy of the petitioner’s most recent IRS Form 941, Employer’s Quarterly Federal Return or IRS Form 943, Employer’ Annual Tax Return for Agricultural Workers. 2. Are a not-for-profit primary or secondary educational institution, or institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a); tax exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), 26 U.S.C. 501(c)(3), or a governmental research organization as defined under 8 CFR 214.2(h)(19)(iii)(C). <ul style="list-style-type: none"> • Reduced fee for form and no asylum program fee. • Possible evidence to support eligibility for the reduced fees includes the organization’s Determination Letter from the IRS or copy of a currently valid IRS tax exemption certificate. 	<p>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.</p> <p>...</p> <p>Reduced Fees For Small Employers and Non-Profits</p> <p>You may qualify for a reduced fee on this form and the associated asylum program fee if you:</p> <ol style="list-style-type: none"> 1. Have 25 or fewer full-time equivalent employees in the United States, including any affiliates and subsidiaries; or <ul style="list-style-type: none"> • Reduced fee for form and asylum program fee. • Possible evidence to support eligibility for the reduced fees includes a copy of the petitioner’s most recent IRS Form 941, Employer’s Quarterly Federal Return or IRS Form 943, Employer’s Annual Tax Return for Agricultural Workers. 2. Are a not-for-profit primary or secondary educational institution, or institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a); tax exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), 26 U.S.C. 501(c)(3); or a governmental research organization as defined under 8 CFR 214.2(h)(19)(iii)(C). <ul style="list-style-type: none"> • Reduced fee for form and no asylum program fee. • Possible evidence to support eligibility for the reduced fees includes the organization’s Determination Letter from the IRS or copy of a currently valid IRS tax exemption certificate.
<p>Pages 7-24, Part 1. Petition Always Required</p>	<p>[Page 7]</p> <p>Part 1. Petition Always Required</p> <p>The following classifications always require a petition.</p>	<p>Part 1. Petition Always Required</p> <p>[no change]</p>

	<p>...</p> <p>[Page 8]</p> <p><u>H-1B Beneficiaries (Three Types)</u></p> <p>The H-1B classification is for beneficiaries coming to the United States temporarily to perform services in a specialty occupation.</p> <p>Write H-1B in the classification block.</p> <p>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.</p> <p>The petition must be filed by a U.S. employer or a U.S. agent and must be filed with:</p> <ol style="list-style-type: none"> 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; <p>[new]</p>	<p>...</p> <p><u>H-1B Beneficiaries (Three Types)</u></p> <p>The H-1B classification is for beneficiaries coming to the United States temporarily to perform services in a specialty occupation.</p> <p>Write H-1B in the classification block.</p> <p>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 directly related specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States. A position is not a specialty occupation if attainment of a general degree, without further specialization, is sufficient to qualify for the position. A position may allow for a range of qualifying degree fields, provided that each of those fields is directly related to the duties of the position. “Directly related” means that there is a logical connection between the degree, or its equivalent, and the duties of the position.</p> <p>The petition must be filed by a U.S. employer or a U.S. agent and must be filed with:</p> <ol style="list-style-type: none"> 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 that you have a bona fide position in a specialty occupation available for the beneficiary as of the start date of the validity period requested on the petition. A petitioner is not required to establish specific day-to-day assignments for the entire time period requested in the petition.
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	<p>3. Evidence showing that the beneficiary has the required degree by submitting either:</p> <p>A. A copy of the beneficiary’s U.S. bachelor’s or higher degree as required by the specialty occupation;</p> <p>B. A copy of a foreign degree and evidence that it is equivalent to the U.S. degree; or</p> <p>C. Evidence of education, specialized training, and/or progressively responsible experience that is equivalent to the required U.S. degree.</p> <p>4. A copy of any required license or other official permission to practice the occupation in the state of intended employment; and</p> <p>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.</p> <p>6. If you are filing an H-1B cap petition for a fiscal year that H-1B registration is required, you must provide a valid Beneficiary Confirmation Number for the beneficiary included in this petition, along with a copy of the H-1B Registration Selection Notice.</p> <p>[Page 9]</p> <p>7. If you are filing an H-1B cap petition for a fiscal year that H-1B registration is required, you must submit evidence of the beneficiary’s passport or travel document used at the time of registration to identify the beneficiary.</p> <p>NOTE: This evidence requirement is not applicable to H-1B2 petitions.</p> <p>8. 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</p>	<p>4. Evidence showing that the beneficiary has the required degree by submitting either:</p> <p>A. A copy of the beneficiary’s U.S. bachelor’s or higher degree as required by the specialty occupation;</p> <p>B. A copy of a foreign degree and evidence that it is equivalent to the U.S. degree; or</p> <p>C. Evidence of education, specialized training, and/or progressively responsible experience that is equivalent to the required U.S. degree.</p> <p>5. A copy of any required license or other official permission to practice the occupation in the state of intended employment; and</p> <p>6. 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.</p> <p>7. If you are filing an H-1B cap petition for a fiscal year that H-1B registration is required, you must provide a valid Beneficiary Confirmation Number for the beneficiary included in this petition, along with a copy of the H-1B Registration Selection Notice.</p> <p>[Page 9]</p> <p>8. If you are filing an H-1B cap petition for a fiscal year that H-1B registration is required, you must submit evidence of the beneficiary’s passport or travel document used at the time of registration to identify the beneficiary.</p> <p>[deleted]</p> <p>9. 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</p>
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	<p>Proposed Employment and Employer. Petitioners should advise the H-1B beneficiary of the off-site work placement.</p> <p>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.</p> <p>The H-1B classification is also for beneficiaries 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).</p> <p>Write H-1B2 in the classification requested block.</p> <p>...</p> <p>General H-1B Requirements</p> <p>[new]</p> <p>Three relevant laws impacting the filing of H-1B and/or L visa petitions; include:</p> <p>1. The American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277 (signed into law on October 21, 1998);</p>	<p>Proposed Employment and Employer. Petitioners should advise the H-1B beneficiary of the off-site work placement.</p> <p>[deleted]</p> <p>The H-1B classification is also for beneficiaries 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).</p> <p>[no change]</p> <p>...</p> <p>General H-1B Requirements</p> <p>Completing the H Classification Supplement Form</p> <p>Item Number 8.a. For H-1B petitions, you must indicate whether the beneficiary has a controlling interest in the petitioning organization. For purposes of this question, a controlling interest means that the beneficiary owns more than 50 percent of the petitioning organization or when the beneficiary has majority voting rights in the petitioning organization.</p> <p>If the H-1B beneficiary possesses a controlling interest in the petitioning organization or entity, the petition, if approved, will be limited to a validity period of up to 18 months. The first extension (including an amended petition with a request for an extension of stay) of such a petition will also be limited to a validity period of up to 18 months.</p> <p>Three relevant laws impact the filing of H-1B and/or L visa petitions:</p> <p>[no change]</p>
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2. The H-1B Visa Reform Act of 2004
(signed into law on December 8, 2004); and

3. Public Law 114-113 (signed into law on December 18, 2015).

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 ACWIA (INA section 214(c)(9)), the H-1B1 Visa Reform Act of 2004 (INA section 214(c)(12)), and Public Law 114-113.

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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 Fraud Prevention and Detection fee. This fee does not apply to H-1B1 petitions.

Those petitioners required to submit the Fraud Prevention and Detection fee are also required to submit either an additional H-1B or L-1 fee mandated by Public Law 114-113, **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. Public Law 114-113 (signed into law on December 18, 2015).

To determine if they are subject to any of these fees, petitioners must complete the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement discussed

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 Fraud Prevention and Detection fee. This fee does not apply to H-1B1 petitions.

Those petitioners required to submit the Fraud Prevention and Detection fee are also required to submit either an additional H-1B or L-1 fee mandated by Public Law 114-113, **if:**

1. The petitioner employs 50 or more individuals in the United States; **and**
2. More than 50 percent of those employees are in H-1B or L-1A or L-1B nonimmigrant **status.**

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To determine if they are subject to any of these fees, petitioners must complete the H-1B and H-1B1 Data Collection and Filing

	<p>below. See Form G-1055 for specific fee amounts.</p> <p>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement</p> <p>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 nonimmigrants from Chile and Singapore) must file this supplement.</p> <p>...</p> <p>[Page 11]</p> <p>8. SOC Code. This is the Standard Occupational Classification (SOC) Code. You can obtain the SOC codes from the Department of Labor (DOL), Bureau of Labor Statistics at www.bls.gov/soc.</p> <p>...</p> <p>Completing Section 2. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form</p> <p>Petitioners must complete Section 2., Fee Exemption and/or Determination, to determine whether they must pay the ACWIA fee. See Form G-1055, available at www.uscis.gov/forms, for specific information about the fees applicable to this form. The petitioner is exempt from payment of the ACWIA fee if at least one of the following conditions apply:</p> <ol style="list-style-type: none"> 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 as defined in 20 U.S.C. 1001(a). Such nonprofit organizations or entities include, but are not limited to, hospitals and medical research institutions; <p>NOTE: “Related to” or “affiliated with” means the entity is:</p>	<p>Fee Exemption Supplement discussed below. See Form G-1055 for specific fee amounts.</p> <p>H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement</p> <p>[no change]</p> <p>...</p> <p>[no change]</p> <p>...</p> <p>Completing Section 2. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form</p> <p>[no change]</p> <p>...</p> <p>Completing Section 2. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form</p> <p>[no change]</p> <p>2. The employer is a nonprofit organization or entity related to or affiliated with an institution of higher education as defined in 20 U.S.C. 1001(a). Such nonprofit organizations or entities include, but are not limited to, hospitals and medical research institutions;</p> <p>[no change]</p>
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	<p>A. Connected to or associated with the institution of higher education through shared ownership or control by the same board or federation; or</p> <p>B. Operated by the institution of higher education; or</p> <p>C. Attached to the institution of higher education as a member, branch, cooperative, or subsidiary; or</p> <p>D. A nonprofit entity that has entered into a formal written affiliation agreement with an institution of higher education that establishes an active working relationship between the nonprofit entity and the institution of higher education for the purposes of research or education, and a fundamental activity of the nonprofit entity is to directly contribute to the research or education mission of the institution of higher education.</p> <p>[new]</p> <p>3. The employer is a nonprofit research organization or governmental research organization that is primarily engaged in basic research and/or applied research;</p> <p>NOTE: The term “governmental research</p>	<p>NOTE: A nonprofit entity may engage in more than one fundamental activity.</p> <p>“Nonprofit organization or entity” means the organization or entity is determined by the Internal Revenue Service to be 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)). See 8 CFR 214.2(h)(19)(iv).</p> <p>3. The employer is a nonprofit research organization or government research organization. When a fundamental activity of a nonprofit organization is engaging in basic research and/or applied research, that organization is a nonprofit research organization. When a fundamental activity of a governmental organization is the performance or promotion of basic research and/or applied research, that organization is a governmental research organization. A governmental research organization may be a Federal, state, or local entity. See 8 CFR 214.2(h)(19)(iii)(C). The regulation at 8 CFR 214.2(h)(19)(iii)(C) further provides definitions for basic research and applied research.</p>
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	<p>organization” is defined at 8 CFR 214.2(h) (19)(iii)(C) as “a federal, state, or local entity whose primary mission is the performance or promotion of basic research and/or applied research.”</p> <p>NOTE: “Nonprofit organization or entity” means the organization or entity is:</p> <p>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</p> <p>[Page 12]</p> <p>B. Has been approved as a tax-exempt organization for research or educational purposes by the Internal Revenue Service.</p> <p>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 ACWIA filing fee was paid on the initial petition or the first extension of stay;</p> <p>5. This petition is an amended petition that does not contain any requests for extension of stay;</p> <p>6. This petition is being filed to correct a USCIS error;</p> <p>7. The employer is a primary or secondary education institution;</p> <p>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.</p> <p>What evidence is required under Section 2.?</p> <p>Petitioners claiming an exemption from the ACWIA filing fee must submit evidence showing why the organization or entity is exempt from the filing fee.</p>	<p>[deleted]</p> <p>NOTE: A nonprofit research organization or governmental research organization may perform or promote more than one fundamental activity.</p> <p>[deleted]</p> <p>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 ACWIA filing fee was paid on the initial petition or the first extension of stay;</p> <p>[no change]</p> <p>7. The employer is a primary or secondary education institution; or</p> <p>[no change]</p> <p>What evidence is required under Section 2.?</p> <p>[no change]</p>
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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, 2029.

The Form I-129 H Classification Supplement and H-1B Data Collection and Filing Fee Exemption Worksheet require employers to indicate the specific reason for any claimed cap exemption. Please select, in Section 3 of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement, the reason(s) this petition is exempt from the numerical limitation for H-1B classification:

1. The employer is an institution of higher education as defined in 20 U.S.C. 1001(a);
2. The employer is a nonprofit entity related to or affiliated with an institution of higher education as defined in 8 CFR 214.2(h)(8)(ii)(F)(2);
3. The employer is a nonprofit research organization or governmental research organization that is primarily engaged in basic research and/or applied research as defined in 8 CFR 214.2(h)(8)(ii)(F)(3);

NOTE: To determine if you qualify for exemption from the H-1B cap as an institution of higher education, nonprofit entity related to or affiliated with an

2. The employer is a nonprofit entity related to or affiliated with an institution of higher education as defined in 8 CFR 214.2(h)(8)(iii)(F)(2);

3. The employer is a nonprofit research organization or governmental research organization. **When a fundamental activity of a nonprofit organization is engaging in basic research and/or applied research, that organization is a nonprofit research organization. When a fundamental activity of a governmental organization is the performance or promotion of basic research and/or applied research, that organization is a government research organization. A governmental research organization may be a Federal, state, or local entity. See 8 CFR 214.2(h)(8)(iii)(F)(3); (these terms have the same definitions as described at 8 CFR 214.2(h)(19)(iii)(C));**

[no change]

	<p>institution of higher education, nonprofit research organization or governmental research organization, please refer to the definitions of those terms in the section above (“Completing Section 2. of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplemental Form”).</p> <p>4. The beneficiary will spend the majority of his or her work time performing job duties at a qualifying institution, organization, or entity and those job duties directly and predominantly further the essential purpose, mission, objectives, or functions of the qualifying institution, organization, or entity, namely, either higher education, nonprofit research, or governmental research;</p> <p>NOTE: The burden is on the H-1B petitioner to establish that there is a nexus between the duties to be performed by the H-1B beneficiary and the essential purpose, mission, objectives or functions of the qualifying institution, organization or entity.</p> <p>5. The beneficiary is currently employed at a cap-exempt institution, entity, or organization and you seek to concurrently employ the H-1B beneficiary;</p> <p>6. The beneficiary is a J-1 nonimmigrant physician who has received a waiver based on section 214(l) of the Act;</p> <p>7. The beneficiary of this petition has been counted against the regular H-1B cap or masters cap exemption; and</p> <p>A. This petition is an amended petition without an extension of stay request;</p> <p>...</p>	<p>4. The beneficiary will spend at least half of their work time performing job duties at a qualifying institution, organization, or entity and those job duties further an activity that supports or advances one of the fundamental purposes, missions, objectives, or functions of the qualifying institution, organization, or entity, namely, either higher education, nonprofit research, or governmental research;</p> <p>[deleted]</p> <p>5. The beneficiary is currently employed at a cap-exempt institution, entity, or organization and you seek to concurrently employ the H-1B beneficiary;</p> <p>6. The beneficiary is a J-1 nonimmigrant physician who has received a waiver based on section 214(l) of the Act;</p> <p>7. The beneficiary of this petition has been counted against the regular H-1B cap or master’s cap exemption; and</p> <p>[no change]</p> <p>...</p>
<p>Page 30, Paperwork Reduction Act</p>	<p>[Page 30]</p> <p>Paperwork Reduction Act</p> <p>USCIS may not conduct or sponsor an information collection, and you are not required to respond to a collection of information unless it displays a currently</p>	<p>Paperwork Reduction Act</p> <p>USCIS may not conduct or sponsor an information collection, and you are not required to respond to a collection of information unless it displays a currently</p>

	<p>valid OMB control number. The public reporting burden for this collection of information is estimated for Form I-129 at 2.487 hours; E-1/E-2 Classification at 0.67 hours; Trade Agreement Supplement at 0.67 hours; H Classification Supplement at 2.07 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 0.34 hours; R-1 Classification Supplement at 2.34 hours; and Form I-129 ATT at 0.33 hours, including the time for reviewing instructions, gathering the required documentation and information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No 1615-0009. Do not mail your completed Form I-129 to this address.</p>	<p>valid OMB control number. The public reporting burden for this collection of information is estimated for Form I-129 at 2.55 hours; E-1/E-2 Classification at 0.67 hours; Trade Agreement Supplement at 0.67 hours; H Classification Supplement at 2.07 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 0.34 hours; R-1 Classification Supplement at 2.34 hours; and Form I-129 ATT at 0.33 hours, including the time for reviewing instructions, gathering the required documentation and information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No 1615-0009. Do not mail your completed Form I-129 to this address.</p>
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