IMPORTANT: This document contains information that is no longer current but remains on our site for reference purposes.

Office of Communications

U.S. Citizenship and Immigration Services

USCIS Update

March 27, 2007

INFORMATION TO HELP COMPLETE AND SUBMIT I-129 PETITIONS TO USCIS SERVICES CENTERS FOR FY 2008 H-1B CAP CASES

U.S. Citizenship and Immigration Services (USCIS) uses the information in Part C of the H-1B Data Collection and Filing Fee Exemption Supplement (Form I-129, page 11) to determine whether a petition is subject to the 65,000 and 20,000 (U.S. master's degree or better) H-1B numerical limitation caps. Please be sure to read and answer these questions carefully and accurately when completing the petition.

When can I file an H-1B petition?

H-1B petitions can be filed six months in advance of the requested start date. Therefore, petitions seeking an October 1, 2007 start date can be filed no sooner than April 1. Because April 1 falls on a non-business day (Sunday) this year, the USCIS Vermont Service Center (VSC) and the California Service Center (CSC) will not take possession of mail scheduled for delivery on Saturday (March 31) or Sunday (April 1) until Monday, April 2, the first business day of the FY'08 H-1B cap filing period.

Where should I mail my H-1B petition?

Beginning April 2, 2007, all Forms I-129, including those requesting H-1B classification (cap subject or non-cap subject) are to be filed with the VSC or the CSC. To facilitate the identification and processing of cap cases, specific mailing addresses have been established for the H-1B cap cases. The specific filing addresses are listed on the accompanying filing charts. These filing charts are also available on line.

What is Premium Processing Service?

For certain employment-based immigration benefits, petitioners may choose to file a Form I-907 with the filing fee of $1,000 to have their petition adjudicated within 15 calendar days. H-1B petitions are eligible for the Premium Processing program. The Form I-907 can be filed at the same time as or subsequent to the filing of Form I-129. If filed subsequent to the Form I-129, please be sure to include the receipt number (i.e. EAC 07 123 51234) of the Form I-129 in the pertinent section of Form I-907. For more information concerning the Premium Processing program, please visit our website at www.uscis.gov.

How do I ensure that my H-1B petition is considered properly filed and accepted?

Be sure to complete all sections of the I-129 petition, the H Classification Supplement to Form I-129 (pages 7 and 8 of Form I-129), and the H-1B Data Collection and Filing Fee Exemption Supplement (pages 10 and 11). Original signatures are required on each form.

Checks should be payable to the Department of Homeland Security or U. S. Citizenship and Immigration Services dated within the last six months, and include the proper guarantee amount, and signature. Here are the current fees:

Fee reason	Fee	Comments
Base filing fee	$ 190	
ACWIA fee (cannot be paid by the beneficiary)	$ 750	For employers with 1 to 25 employees who are not exempt the ACWIA fee (see H-1B Data Collection and Filing Fee Exemption Supplement, Part B)
	$ 1,500	For employers with 26 or more employees who are not exempt the ACWIA fee (see H-1B Data Collection and Filing Fee Exemption Supplement, Part B)
Fraud fee	$ 500	To be submitted with the intitial H-1B petition filed on behalf of each beneficiary by a petitioner.
Premium Processing fee	$ 1,000	For employers seeking Premium Processing Service

A petition must be signed in the original by the petitioner or an individual granted power-of-attorney (POA) by the petitioner. If signed by the POA, a copy of the POA agreement must be submitted and included immediately below the petition. It is recommended that all signatures on the petition be in **blue ink** to readily identify the original signature.

A certified Labor Condition Application (Form ETA 9035) from the Department of Labor must be submitted at the time of filing. A copy of the Labor Condition Application is acceptable.

If Labor Condition Application from the Department of Labor is for multiple positions provide the name, and receipt number of those who have previously utilized it. If this is the first petition filed, please state so.

If filing for Premium Processing, please use the August 28, 2006 version of Form I-907. Prior versions will not be accepted.

Are there any additional filing tips that will facilitate the processing of my petition?

General filing tips

A separate check for each applicable filing fee (I-129, Premium Processing, Fraud Fee, and/or ACWIA fee) is preferred.

Here is the preferred order of documents at time of submission. Applicable fees should be stapled to the bottom right corner of the top document (I-907, G-28, or Form I-129).

- Form I-907 (if filing for Premium Processing Service*);*
- G-28 (if represented by attorney or accredited representative);
- I-129 Petition;
- Power-of-Attorney letter (if an attorney or accredited representative signed the petition on behalf of the petitioner);
- H Classification Supplement to Form I-129;
- H-1B Data Collection and Filing Fee Exemption Supplement;
- Provide a Table of Contents;
    - Tab items as listed in Table of Contents;
    - Arrival-Departure Record (Form I-94) (if the beneficiary is in the US);
    - and, if applicable, the SEVIS Certificate of Eligibility for Nonimmigrant Student Status, Form I-20 (if the beneficiary is or had been in F-1 student status in the US);
    - Certified Labor Condition Application, Form ETA 9035, from Department of Labor;
    - Employer/Attorney/Representative letter;

    - Other supporting documentation;
    - A duplicate copy of petition and supporting documents (if the beneficiary will be seeking visa issuance abroad)
- If multiple petitions will be included in the same courier service or Post Office package, please separate filings into separate envelopes within the package.
- If the beneficiary will be seeking nonimmigrant visa issuance abroad, review the Department of State website to make sure that the consulate indicated on Form I-129 actually processes nonimmigrant visas.

Notice of Entry of Appearance as Attorney or Representative (Form G-28)

If the petitioner will be represented by an attorney or other accredited representative, a properly executed Form G-28 should be submitted. Each Form G-28 should include the following:

- All sections completed;
- The printed name and signature of the representative. The representative's signature can be either an original or a facsimile; and
- The original signature of the petitioner.

Form I-129 Petition for a Nonimmigrant Worker

- Please be sure to complete all sections of the form accurately.
- Be sure the beneficiary's name is spelled properly and that his/her date of birth is displayed in the proper format (mm/dd/yyyy). Also, country of birth/citizenship and the I-94 # (if applicable) should be reviewed for accuracy.
- If the beneficiary will ultimately be seeking issuance of a visa at a consular office abroad, a copy of the petition and supporting documentation should be included with the filing. For cases where the beneficiary will be seeking a change of status in the United States, a copy is not necessary.
- If the beneficiary is seeking an extension or change of status, the petition should include evidence (e.g. Form I-94 or Form I-797 approval notice) to establish that the beneficiary will have maintained a valid nonimmigrant status through the employment start date being requested.
- A copy of the beneficiary's valid passport.

H Classification Supplement to Form I-129 (pages 7-8 of Form I-129)

- Please be sure to complete all sections of the form accurately.
- In listing previous periods of stay in H/L classification (question 3), please also include the actual nonimmigrant classification (e.g. H-1B or H-4) held.
- Petitioner or POA must sign the form, preferably in **blue ink**.

H-1B Data Collection and Filing Fee Supplement form (pages 10-11 of Form I-129)

- Please be sure to complete all sections of the form accurately.
- If the beneficiary has earned a Masters Degree or better from a U.S. educational institution, be sure to answer accordingly in Part A, question 5 and Part C, question 7.
- If the petition does not involve a change of employer, Part C question 6 is not relevant. Thus, please answer "No" or provide an "N/A" in the margin of the form to the left of the question.
- Petitioner or POA must sign the form, preferably in **blue ink**.

Form I-907 Request for Premium Processing

- Please be sure to complete all sections of the form accurately.
- If there is a valid Form G-28 with the file and the attorney is signing the Form I-907, then the representative should sign in both Part 3 and 4 of the I-907. Otherwise, the petitioner's signature is required. We prefer that the signature(s) be in **blue ink**.

- When form I-907 is filed after the filing of Form I-129 please include a copy of the Form I-129 receipt notice along with the I-907.

Please visit www.uscis.gov frequently for filing updates or call the National Customer Service Center at (800) 375-5283 for up-to-date information.

- USCIS -