

## Volume VI – E-Filing Form I-129

### Purpose

The purpose of Volume VI is to highlight key aspects of the I-129 E-Filing module for prospective employers wishing to E-File a Petition for a Nonimmigrant Worker (Form I-129). The following screenshots and discussion topics will provide you a preview of the I-129 on-line E-Filing Form and can be used as a reference to prepare for E-Filing I-129 petitions.

In this document the following topics are addressed:

- [E-Filing and Centralized Filing/Sole Jurisdiction](#)
- [E-Filing Petitions for Sports Organization/Athlete or Canadian Custom Harvester](#)
- [Providing Work Addresses](#)
- [E-Filing Petitions That Have Multiple Named Beneficiaries Only](#)
- [E-Filing Petitions That Include Unnamed Workers](#)
- [Chile or Singapore Nonimmigrant E-Filing Eligibility](#)
- [E-Filing and H-1B Cap Restrictions](#)
- [Consulate Notifications](#)
- [I-129 Supplements](#)
- [I-129W: H1B Data Collection and Filing Fee Exemption](#)
- [Concurrently E-Filing Request for Premium Processing](#)
- [I-129 Supporting Documentation](#)

### E-Filing and Centralized Filing/Sole Jurisdiction

Sole Jurisdiction and/or Centralized Filing is a privilege granted to a petitioner, or his/her attorney/ representative, whose headquarters, human resources, or legal operations is located within a USCIS Service Center's jurisdiction. If a petitioner's request for Sole Jurisdiction/Centralized Filing is granted, the petitioner is placed on a USCIS Service Center's Sole Jurisdiction/Centralized Filing list and may submit I-140 and I-129s petitions to that USCIS Service Center, regardless of where the beneficiary will work or where the petitioner is located.

E-Filing under a Sole Jurisdiction/Centralized Filing program without prior authorization risks significant processing delays as the petition is manually transferred to the correct location.

#### Filing Status

WARNING: If you are utilizing Centralized Filing, you must file as an attorney or representative.

Disregard

When you electronically process your application, you must provide information for the items below.

1. Attorney or non-attorney

You **DO NOT** need to be an attorney or representative to E-File under the Sole Jurisdiction Centralized Filing program.

Are you a qualified attorney or otherwise: \*

Not someone. I am not a Qualified Attorney.

Not a Representative.

2. Are you authorized for Centralized Filing or Sole Jurisdiction or is this filing for an internationally recognized athlete, group, team sports organization, or Canadian Custom Harvester?\*

Yes

No

When E-Filing a petition under a Sole Jurisdiction/Centralized Filing program please note:

- The warning message that states that you must file as an attorney or representative should be disregarded.

- You must self-select your Sole Jurisdiction/Centralized Filing Service Center when prompted or the petition may not be sent to the correct processing location (see dropdown just under the second Filing Status question).

## E-Filing Petitions for Sports Organization/Athlete or Canadian Custom Harvester

The processing Service Center must be provided if you are filing for certain H-2B, H-2A, and P-1 Nonimmigrant Classifications. If E-Filing for a nonimmigrant under one of these specific classes/profession then you **MUST**:

**H-2B and/or P-1:** Hockey (major/minor), Roller Hockey, Baseball (major/minor), Eastern Indoor Soccer League, NHL, Professional Soccer, NBA (men/women)  
**OR**  
**H-2A:** Canadian Custom Harvester

- Answer “yes” to the Sole Jurisdiction/Centralized Filing question in the second **Filing Status** question; **and**
- Select the Nebraska Service Center from the associated dropdown just under the second Filing Status question.

**Jurisdiction or is this filing for an internationally recognized athlete, group, team sports organization or Canadian Custom Harvester?\***

If yes, please select the appropriate Service Center  
 NOTE: If you are an internationally recognized Custom Harvester you MUST select the Nebraska Service Center.

California Service Center  
 Please Select a Center  
**Nebraska Service Center**  
 Texas Service Center  
 Vermont Service Center

Please read out

For assistance or questions regarding this for

## Providing Work Addresses

Providing the nonimmigrant’s actual work location is critical to the electronic routing of E-Filing petitions.

The screenshot shows two parts of the E-Filing form. Part 1, titled 'Information about the employer filing this petition', includes fields for Family Name, Given Name, Middle Initial, Company or Organization Name, Address - Attn, Street Number and Name, Apt. #, City, State (dropdown), Province, Country (dropdown), Zip (U.S. address only) / Postal Code (Outside U.S.), and IRS Tax #. Part 5, titled 'Basic Information about the proposed employment and employer', includes fields for Job Title, Nontechnical Description of Job, Address where the person(s) will work if different from the address in Part 1, City, State (dropdown), Zip Code, Is this a full-time position?, Hours per week, Other Compensation (optional), Value per week or per year, Dates of intended employment, and Type of Petitioner (checkboxes for U.S. citizen or permanent resident, Organization, or Other). A yellow callout box with a blue arrow points to the 'Address' field in Part 1, stating 'Work Address is required in Part 1 or 5'.

- In most cases, routing of E-Filed petitions is based on work location.
- If you provide a foreign address in Part 1, you will be required to provide a US work address in Part 5.
- If you provide a US address and no work address in Part 5, the system will consider the address provided in Part 1 as the work location.
- If there is more than one work location then you should provide the primary or first plan work location and provide the remaining address on a separate piece of paper with the petition’s supporting documentation.

## E-Filing Petitions That Have Multiple Named Beneficiaries Only

You can E-File an I-129 that contains multiple named beneficiaries if the requested nonimmigrant classification is: H-1C, H-2A, H-2B, H-3 (Trainee), H-3 (Sp. Ed), P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1 or TC.

For every additional beneficiary on the I-129, you will provide an on-line E-Filing I-129 Supplement-1 to complete.

**Petition for a Non-Immigrant Worker**

For example In Part 2, if you indicate that there is a total of 5 workers included in the I-129 petition, then 4 on-line I-129 Supplement-1s will be provided for completion.

Total number of unnamed workers: \*

Total number of workers in petition: \*

(See instructions for where more than one worker can be included.) \*

Please read our [Secure Site Statement](#).

For assistance or questions regarding this form, please call our National Customer Service Center at 1-800-375-5283 [TDD 1-800-767-1833].

Supplement One 1 of 4  
 Complete when more than one person is included in the petition.

Family Name:

Date of Birth:  /  /

Country of Birth:

**Supplement-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.)

Family Name	Given Name	Middle Initial	Date of Birth
<input type="text" value="1-1"/>	<input type="text" value="1-2"/>	<input type="text" value="1-3"/>	<input type="text" value="1-4"/>
Country of Birth	Social Security Number	Date of Arrival	
<input type="text" value="1-5"/>	<input type="text" value="1-6"/>	<input type="text" value="1-8"/>	<input type="text" value="1-7"/>
Current Nonimmigrant I-94#	Expires on	Current Nonimmigrant Status	
<input type="text" value="1-10"/>	<input type="text" value="1-11"/>	<input type="text" value="Select a Status or Member of Last Entry"/>	

- If you want to drop any named workers from the petition for whatever reason, simply use the <Back> or <Continue> buttons to reach the “Supplement Form for I-129” page and follow the instructions for deleting a named worker’s Supplement-1 form.

**Supplemental Forms For I-129**

You have reduced the total number of people filing this application from 5 to 1. I please select 4 people to be removed.

- 1 of 4: NA, NA
- 2 of 4: NA, NA
- 3 of 4: NA, NA
- 4 of 4: NA, NA

Please read our [Secure Site Statement](#).

For assistance or questions regarding this form, please call our National Customer Service Center at 1-800-375-5283 [TDD 1-800-767-1833].

## E-Filing Petitions That Include Unnamed Workers

I-129 petitions involving H-2A and H-2B nonimmigrants can include unnamed workers:

Before answering these questions you **MUST** review the additional guidance on:

**Submitting ONLY Unnamed Workers**

AND

**Submitting Named and Unnamed Workers.**

- When either H-2A or H-2B nonimmigrant classification items are selected a web page asking for the total number unnamed workers associated with your petition and the total number of workers (named and unnamed) associated with your petition will appear.

## Chile or Singapore Nonimmigrant E-Filing Eligibility

E-Filing is not for everyone and there are a number of situations where you must continue to use the paper-based process in order to properly file your petition.

- These situations include when you are applying for a filing fee waiver or requesting that your case be expedited.
- In addition, the E-Filing system is not currently programmed to accept petitions for a national of either **Chile or Singapore** under the H-1B1 nonimmigrant classification.

## E-Filing and H-1B Cap Restrictions

When the congressionally mandated annual cap of new workers is reached during the federal fiscal year, the E-Filing system will continue to accept H-1B petitions subject to the cap restrictions if:

- E-Filed six months prior to the start of the next Federal fiscal year (i.e., October); and
- Prospective employment starts the next fiscal year.

If a petitioner who wishes to E-File a H-1B petition is subject to the congressionally mandated annual cap restrictions **after the cap has been reached**, the *“Date of intended employment”* must begin after October 1<sup>st</sup> of the current year.

Part 2. Information about this petition.

In order to electronically process your application, you must provide information for the items marked \* below.

If filing an H-1B, the Congressionally mandated annual cap limit for the H-1B Visa Program for the current fiscal year has been reached. However, H-1B petitions for Nonimmigrant Workers subject to this limit can still be E-Filed. If you elect to file your petition, please ensure that the "date of intended employment" is not within the current fiscal year. Failure to follow these guidelines will result in processing delays and possibly denial of your petition.

Requested Nonimmigrant Classification: \*

Basis for Classification (Check one) \*

- New Employment
- Continuation of previously approved employment without change
- Change in previously approved employment
- New concurrent employment

Prior Petition. If you checked other than "New Employment" in item (above) give the most recent prior petition number for the worker(s):

Requested Action: \*  Notify the office in Part 4 so the person(s) can obtain a visa or

H1B Cap Restrictions instructions.

If the cap has been reached and you E-File a petition subject to the cap restrictions with an employment start date prior to October 1<sup>st</sup> of the current year, may experience processing delays or be denied and you will not be eligible to receive a refund.

## Consulate Notifications

The E-Filing system will allow you to only list one U.S. consulate or inspection facility (pre-flight inspection site or ports of entries) you want notified if the petition is approved.

I-129 Form: Petition for a Non-Immigrant Worker

Overview Filing Status Form Form Checklist Certify Forms Payment Confirmation

Part 4. Processing Information.

You can select from a list of consulates and ports of entries.

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:

Select a Consulate

OR

Enter Pre-flight inspection:

OR

Select a Port of Entry

You are also allowed to type in the pre-flight inspection site you would like to notify

- If you wish to notify more than one to U.S. consulate or inspection facility you will need to file an **I-824, Application for Action on a Approved Application or Petition** in paper.
  - Do not include any other forms or fees, including I-824, with your I-129 supporting documentation.

## I-129 Supplements

- As with the paper-based I-129 application, the E-Filing system will provide the follow I-129 Supplements for completion:
  - E Classification Supplement;
  - H Classification Supplement;
  - L Classification Supplement;
  - O and P Classification Supplement; and
  - Q [O] & R Classification Supplement.

State:

Zip Code:

Is this a full time position?

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

If "No" - Hours per week:  per week

Other Compensation (explain):  per \$

Value per week or per year: \$

Dates of intended employment:

/  /  To:  /  /

MM DD YYYY MM DD YYYY

Type of Petitioner (Check one):

U.S. citizen or permanent resident  Organization  Other - explain

If "Other" was selected in the above question, explain in detail below:

In Part 5, the dates of intended employment must be on or after October 1st of the current calendar year

- Only one of these supplements will be provided based on the nonimmigrant classification requested in Part 2 of the on-line E-Filing I-129 form (see the discussion on Chile or Singapore Nonimmigrant E-Filing Eligibility for an image of the nonimmigrant classification dropdown box provide in Part 2).
- When the supplement is generated the name of the petitioner, the number or name of the worker(s) on the petition, and the requested nonimmigrant classification is pre-populated in the relevant fields.
- You will be able to make changes to pre-populated name and worker information on the supplement.
- If you want to change the requested nonimmigrant classification you will have to navigate back to Part 2 of the on-line E-Filing I-129 form, using only the <Back> button provided at the bottom of each web page.

I-129 Form: H Classification Supplement to Form I-129

My Forms

Overview Filing Status **Form** Form Checklist Certify Forms Payment

Name of person or organization filing petition:

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

List the alien's and any dependent family members' prior periods of stay in H classification in the U.S. only those periods in which the alien and/or family members were actually in the U.S. in an H classification. If more space is needed attach an additional sheet.

Pre-populated from the primary I-129

Classification Sought: 1B1

## I-129W: H1B Data Collection and Filing Fee Exemption

The American Competitiveness and Workforce Improvement Act (ACWIA) Public Law 105-77 enacted by Congress levied a \$1,000 fee for all H-1B I-129 petitions that did not meet specific exemption criteria. The exemption was granted based on the information contained in the I-129W.

- While the legal requirement for the ACWIA fee expired on September 30, 2003, and the fee is no longer required, USCIS still requires that a completed I-129W be submitted with all H-1B I-129 petitions.

Bureau of Citizenship and Immigration Services

I-129W Form: H-1B Data Collection and Filing Fee Exemption

My Forms Log out

Overview Filing Status **Form** Form Checklist Certify Forms Payment Contribution

Petitioner's Last Name: \*

Petitioner's Given Name:

Petitioner's Middle Initial:

**PART A. General Employer Information** - (check all items that apply)

1. Is the petitioner a dependent?
2. Has the petitioner ever been employed by the employer?
3. Is the beneficiary an exempt beneficiary?
  - a. If yes, is it because the beneficiary is a spouse, child, or parent of the petitioner and the beneficiary's pay is equal to at least \$60,000 per year?
  - b. Or is it because the beneficiary is a spouse, child, or parent of the petitioner and the beneficiary is a member of the same household as the petitioner?

1. 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)?  Yes  No

2. 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)?  Yes  No

3. Are you a nonprofit research organization or a governmental organization?  Yes  No

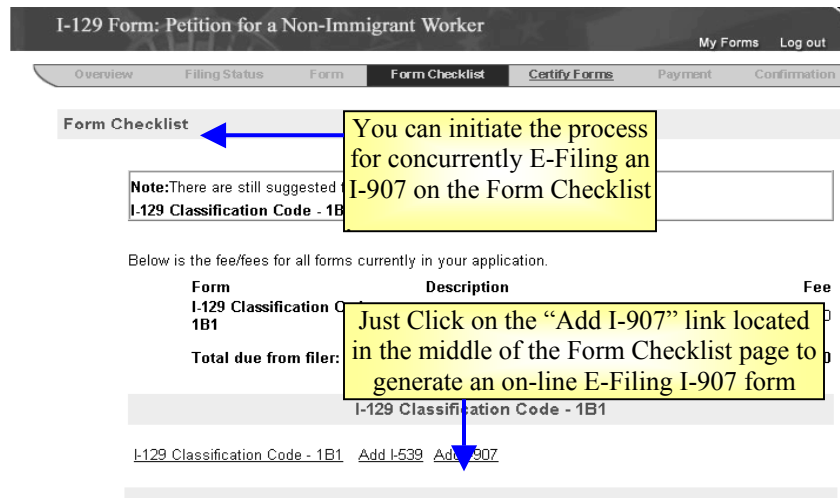
An I-129W on-line E-Filing form will automatically be generated after the I-129H Supplement is completed.

- The I-129 can be submitted without answering the I-129W questions, but this would lead to unnecessary processing delays.
- If the beneficiary currently has a foreign address you will have to file in paper. The I-129W does not accept zip code formats that are different from US zip codes.
- You will need to indicate that to the best of your knowledge that all the I-129W information provided is correct before moving on to the on-line E-Filing form page.

## Concurrently E-Filing Request for Premium Processing

Concurrent E-Filing simply refers to E-Filing multiple forms simultaneously. When submitting I-129 petitions through the mail there are a number of applications that can be submitted together and the E-Filing system, in specific circumstances, allows E-Filing users to do the same. Included in forms that can be currently E-Filed with an I-129 petition is the **I-907, Request for Premium Processing**.

While you are not required to, when E-Filing an I-129 that you intend to request premium processing service for, we strongly urge you to concurrently E-File the I-129 petition with the I-907. To do so, fill out the on-line E-Filing I-129 form, and associated G-28 if applicable, and add an I-907 when you come to the Form Checklist page (see below).



- There is no advantage to E-Filing the I-129 and I-907 separately since under no circumstance will the 15-day premium processing clock start prior to USCIS receiving the necessary supporting documentation in the mail.
- If the I-129 and I-907 are separately E-Filed, USCIS will immediately issue an official Request for Evidence for the necessary supporting documentation.

## I-129 Supporting Documentation

If you have E-Filed your petition, but were unable to save and/or print the PDF version of the petition and confirmation receipt notice, you should wait to receive the official receipt notice (Form I-797) in the mail.

Mail the supporting documentation to the addresses below. Include a cover letter referencing your receipt number.

IF...	THEN ...
Your petition receipt number begins with "WAC"	<b>Send supporting documentation to:</b> California Service Center Attn: E-Filed I-129S P.O. Box 10129 Laguna Niguel, CA 92607-0129
Your petition receipt number begins with "LIN"	<b>Send supporting documentation</b> Nebraska Service Center Attn: E-Filed I-129S PO Box 87373 Lincoln, NE 68501-7373
Your petition receipt number begins with "SRC"	<b>Send supporting documentation</b> Texas Service Center Attn: E-Filed I-129S P.O. Box 851812 Mesquite, TX 75185-1812
Your petition receipt number begins with "EAC"	<b>Send supporting documentation</b> Vermont Service Center Attn: E-Filed I-129S Lower Welden Street St. Albans, VT 05479-0001

**Note:** If your I-129 petition was concurrently filed with an I-907 you will need to use the mailing address on the I-907 confirmation receipt notice (See [Volume XIII](#)).

## **PDF Troubleshooting**

If the PDF Confirmation Receipt Page did not generate, or you were unable to save and/or print the PDF version of the Confirmation Receipt Page, DO NOT FILE AGAIN. Send an e-mail request to [E-Filing.Support@dhs.gov](mailto:E-Filing.Support@dhs.gov) and include your Receipt Number in the e-mail message.