



Optional Checklist for Form I-129 H-1B Filings

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

USCIS
Form M-735

This is an optional checklist to assist H-1B petitioners submit a Form I-129 H-1B petition.
Do not submit this checklist to U.S. Citizenship and Immigration Services (USCIS).

All checks or money orders are signed and made payable to the “U.S. Department of Homeland Security.” If the petition is submitted with the wrong filing fee, USCIS will reject it as improperly filed.

Proper fees are enclosed:

- Base fee, as applicable (see [G-1055 Fee Schedule](#) for amount)
- Asylum Program fee, if/as applicable (see [G-1055 Fee Schedule](#) for amount)
- American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) fee, if/as applicable (see [G-1055 Fee Schedule](#) for amount)
- Fraud Prevention and Detection fee, if applicable (see [G-1055 Fee Schedule](#) for amount)
- Public Law 114-113 fee, if applicable (see [G-1055 Fee Schedule](#) for amount)
- Premium Processing Service fee, if applicable (see [G-1055 Fee Schedule](#) for amount)

We prefer that you submit a separate payment for each fee. For example, if you are required to pay the base filing fee, the ACWIA fee, and the premium processing fee, you should submit three separate payments. If you only submit one payment that is combined for all applicable fees and certain fees do not apply or are incorrect, we will reject your H-1B petition.

Petition includes all necessary original signatures. Signatures must comply with requirements described in the USCIS Policy Manual here: uscis.gov/policy-manual/volume-1-part-b-chapter-2.

All sections of Form I-129, H Classification Supplement to Form I-129, and H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement, are completed and all required pages are enclosed.

If you are eligible for premium processing and applying for premium processing at the same time you are submitting your H-1B petition, submit a completed Form I-907, Request for Premium Processing Service. It must be signed with an original signature and enclosed with the H-1B petition.

NOTE: If you are signing Form I-907 as an attorney or accredited representative for the petitioner, you must include a properly completed and signed Form G-28 with the petition.

A corresponding Labor Condition Application (LCA) that has been certified by the Department of Labor (DOL) and signed by the petitioner and attorney/representative, if applicable, is enclosed.

You are mailing the petition with appropriate labels to the appropriate location, according to the filing jurisdictions and instructions listed at uscis.gov/i-129-addresses.

The Presidential Proclamation on Restriction of Entry of Certain Nonimmigrant Workers, if applicable (see [G-1055 Fee Schedule](#) for amount), has been paid unless an exception has been granted by the Secretary of Homeland Security.

NOTE: Do not submit payment for this fee with your petition. You must use pay.gov to pay this fee prior to filing your petition.

H-1B Regular Cap

1. Requested start date must be on or after October 1 of the applicable fiscal year and within six months of the filing date.
2. 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, along with a copy of the H-1B Registration Selection Notice.
3. 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.
4. 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 basis of the wage level selected on the registration as of the date that the registration underlying this petition was submitted.
5. If you are filing an H-1B cap petition for a fiscal year that H-1B registration is required, you must include a proffered wage that equals or exceeds the prevailing wage for the corresponding OEWS wage level in the registration for the SOC code in the area(s) of intended employment.
6. May include a current H-1B beneficiary that was previously cap exempt and is now seeking to change cap-subject employment.

H-1B Advanced Degree Exemption

1. Requested start date must be on or after October 1st of the fiscal year and within six months of the filing date.
2. Beneficiary has earned a master's (or higher) degree from a U.S. institution of higher education.
3. 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, along with a copy of the H-1B Registration Selection Notice.
4. 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.
5. 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 basis of the wage level selected on the registration as of the date that the registration underlying this petition was submitted.
6. If you are filing an H-1B cap petition for a fiscal year that H-1B registration is required, you must include a proffered wage that equals or exceeds the prevailing wage for the corresponding OEWS wage level in the registration for the SOC code in the area(s) of intended employment.

Cap-Gap Petitions

1. Beneficiary's current status is F-1 (academic student) and he or she has not violated the terms or conditions of his or her F-1 status.
2. Requested start date on the I-129 cap subject petition must be on or after October 1 of the applicable fiscal year and within six months of the filing date.
3. Must be requesting a change of status from F-1 to H-1B.

If you are filing a cap-gap petition, indicate that the beneficiary is eligible for cap-gap by printing "Cap-Gap" at the top of the first page of Form I-129.

For more information regarding cap-gap, see our webpage at uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations/extension-of-post-completion-optional-practical-training-opt-and-f-1-status-for-eligible-students.

Chile/Singapore H-1B1 Cap

1. Requested start date must be on or after October 1 of the applicable fiscal year and within six months of the filing date.
 2. Beneficiary is a national of Chile or Singapore.
 3. Select the box for **Item C.** in **Item Number 1.** on **Section 3** of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement.
 4. Complete and submit Trade Agreement Supplement Form I-129.
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H-1B Cap-Exempt or Non-Cap H-1B Extension of Stay

1. If the petitioner is cap-exempt or the H-1B petition is otherwise not subject to the cap, select the box for **Item D.** in **Item Number 1.** on **Section 3** of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement.
 2. Includes current H-1Bs that were previously counted towards the cap.
 3. Includes amended petitions where the petitioner is seeking to notify USCIS of a change in the terms or conditions of employment, training, or eligibility of a current H-1B beneficiary.
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NOTE: This optional checklist is provided to assist H-1B petitioners in completing Form I-129. It is not a substitution for or alteration of statutory or regulatory requirements. USCIS recommends that you review the relevant statutory and regulatory requirements, as well as the appropriate form instructions, before completing and submitting Form I-129.



Optional Checklist for Form I-129 H-2A Filings

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

USCIS
Form M-1097

This is an optional checklist to assist petitioners with filing H-2A petitions on Form I-129.

Do not submit this checklist to USCIS.

NOTE: This optional checklist is provided to assist H-2A petitioners in completing Form I-129. It is not a substitution for or alteration of statutory or regulatory requirements. USCIS recommends that you review the relevant statutory and regulatory requirements, as well as the appropriate form instructions, before completing and submitting Form I-129.

General Petition Requirements

A completed and properly signed USCIS Form I-129, Petition for a Nonimmigrant Worker. See uscis.gov for the most recent version of Form I-129 and its instructions.

1. Petitioners must provide their full names and addresses in **Part 1.** of Form I-129. The following are the only entities who may file Form I-129 with USCIS as H-2A petitioners:
 - a. The employer listed on the U.S. Department of Labor's (DOL's) ETA Form 9142, Temporary Employment Certification;
 - b. The employer's agent, as defined in USCIS regulations (8 CFR 214.2(h)(2)(i)(F)); or
 - c. The association of U.S. agricultural producers named as a joint employer on ETA Form 9142.
2. Only the petitioner (named in **Part 1.** of Form I-129) may sign **Part 7.** of the form.
3. Any person assisting the petitioner to prepare Form I-129 **must** sign **Part 8.** of Form I-129.

NOTE: Those who do not meet the requirements of agent-petitioners, but solely assist a petitioner in filling out Form I-129, are considered "preparers." Preparers are not considered petitioners. Preparers' names and addresses should **not** be listed in **Part 1.** of Form I-129 (see General Petition Requirements, **Item Number 4.**, on this checklist).

4. You may enter the name of the person collecting your mail, if any, in the "C/O: (In Care Of, if any)" field for **Part 1., Item Number 3.** to ensure that you receive communications from USCIS. However, petitioners **must** still provide the actual address of their primary office in **Part 1., Item Number 3.**
5. You may enter your email address in **Part 1., Item Number 4.**, to receive email notifications of receipt and approval.
6. You do not have to provide the names of all workers you request. However, you must provide the workers' names if you:
 - a. Require workers with specific education, skills, licenses, or other requirements (as indicated on ETA Form 9142); or
 - b. Request workers who are already in the United States.

A completed and properly signed H Classification Supplement to Form I-129.

1. Only the petitioner (named in **Part 1.** of Form I-129) can sign the H Classification Supplement in **Section 2, Part A.**
2. In some cases, an employer uses an agent who meets the requirements of an agent-petitioner to file Form I-129 on its behalf. In that event, the employer (who is **not** the petitioner named in **Part 1.**) **must** sign the H Classification Supplement in **Section 2, Part B.** The agent-petitioner must still sign **Part A.** in this situation.

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3. In cases where there are multiple employers, each joint employer **must** complete and sign **Part C.** in **Section 2** of the H Classification Supplement.

NOTE: Submitting a signed contract between an employer and the agent-petitioner does not replace the need for a signature from the employer in **Part B.** or **Part C.** of the H Classification Supplement.

4. Submit documentation to support any affirmative answers to **Item Numbers 8. - 13.** in **Section 2** of the H Classification Supplement, regarding collection of prohibited fees from workers.

Payment of the base petition fee plus additional fees, if applicable. Check current fees at uscis.gov/g-1055.

An approved ETA Form 9142 from DOL.

1. Submit the original ETA Form 9142.

2. If you are filing a subsequent petition using an ETA Form 9142 that was already submitted to USCIS in a previous petition, instead provide:

a. A photocopy of the previously submitted ETA Form 9142;

b. The receipt number of the petition containing the original ETA Form 9142; and

c. One of the following:

(1) A detailed explanation, if you are requesting an extension of stay for **2 weeks or less** due to emergent circumstances;

(2) A letter from DOL extending the validity of your ETA Form 9142, if you are requesting an extension of stay **greater than 2 weeks** due to emergent circumstances; or

(3) A statement explaining why you were unable to submit the original ETA Form 9142, if neither of the above apply.

Optional: A cover letter from the petitioner or employer on official letterhead describing:

1. The nature of the employer's business;

2. Any additional locations or mailing addresses used by the employer;

3. The duties to be performed in the position offered;

4. The nature of the employer's need for workers, including why the job is temporary, along with independent documentation to support the claimed need; and

5. The qualifications of the requested workers, if applicable.

Optional: Evidence of the petitioner's continued business operations under either the actual business name or trade-name/doing business as (DBA) (if applicable), such as, but not limited to, copies of the most recent:

1. State business registration for the petitioner (including registration of actual business name and trade-name/DBA);

2. Valid local, state, or federal government business licenses;

3. IRS Form 1120 - U.S. Corporation Income Tax Return;

4. IRS Form 1040 - Schedule C, Profit or Loss From Business;

5. IRS Form 1040 - Schedule F, Profit or Loss From Farming;

6. IRS Form 1040 - Schedule J, Income Averaging for Farmers and Fishermen;

7. IRS Form 943 - Employer's Annual Federal Tax Return for Agricultural Employees; or

8. Business bank statements.

Additional Documentation to Show the Worker Qualifies for H-2A Employment

- You may file for more than one worker on a single petition if:
1. All of the beneficiaries will perform the same services for the same period of time and in the same location;
 2. The total number of H-2A workers you request does not exceed the number of positions indicated on the corresponding ETA Form 9142; and
 3. You request the same action for all beneficiaries included on the petition. The requested action must be one of the following:
 - a. Notification of a U.S. Embassy or U.S. Consulate, Port of Entry (POE), or Pre-Flight Inspection (PFI);
 - b. Extension in H-2A classification;
 - c. Change of status; or
 - d. Amended stay.
- If ETA Form 9142 states the workers require certain education, training, experience, or other special requirements, you must:
1. Name the workers on the petition; and
 2. Provide documentation to show that each worker qualifies for the job offered.
- If you are requesting a change of status, extension of stay, or amendment of stay, provide evidence of each worker's previous nonimmigrant classification and maintenance of status. This evidence may include, but is not limited to:
1. Copies of each worker's most recent paystubs;
 2. Copies of each worker's Form I-94, Arrival-Departure Record;
 3. Copies of the biographic information pages from each worker's passport or travel document; and
 4. Documents showing how long the workers have been present in the United States.
- If you are filing an amended petition requesting substitution due to the unavailability of H-2A workers you originally requested, provide:
1. A copy of the original H-2A petition approval notice;
 2. A photocopy of the previously submitted ETA Form 9142;
 3. A statement explaining why the substitution is necessary;
 4. Evidence that the total number of workers will not exceed the number of H-2A workers authorized on ETA Form 9142; and
 5. Evidence of the qualifications of the newly identified beneficiaries, if applicable.



Optional Checklist for Form I-129 H-2B Filings

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

USCIS
Form M-1087

This is an optional checklist to assist petitioners with filing H-2B petitions on Form I-129.

Do not submit this checklist to USCIS.

NOTE: This optional checklist is provided to assist H-2B petitioners in completing Form I-129. It is not a substitution for or alteration of statutory or regulatory requirements. USCIS recommends that you review the relevant statutory and regulatory requirements, as well as the appropriate form instructions, before completing and submitting Form I-129.

Also note that the term "temporary labor certification" refers to U.S. Department of Labor's (DOL) ETA Form 9142, Temporary Employment Certification. However, if you are requesting to employ H-2B workers in Guam, this term applies to Guam Department of Labor's Form GDOL 750, Application for Temporary Labor Certification.

General Petition Requirements

A completed and properly signed USCIS Form I-129, Petition for a Nonimmigrant Worker. See uscis.gov for the most recent version of Form I-129 and its instructions.

1. Petitioners must provide their full names and addresses in **Part 1.** of Form I-129. The following are the only entities who may file Form I-129 with USCIS as H-2B petitioners:

- a. The employer listed on the temporary labor certification; or
- b. The employer's agent, as defined in USCIS regulations (8 CFR 214.2(h)(2)(i)(F)).

2. Only the petitioner (named in **Part 1.** of Form I-129) may sign **Part 7.** of the form.

3. Any person assisting the petitioner to prepare Form I-129 **must** sign **Part 8.** of Form I-129.

NOTE: Those who do not meet the requirements of agent-petitioners, but solely assist a petitioner in filling out Form I-129, are considered "preparers." Preparers are not considered petitioners. Preparers' names and addresses should **not** be listed in **Part 1.** of Form I-129 (see General Petition Requirements, item number 4., on this checklist).

4. You may enter the name of the person collecting your mail, if any, in the "C/O: (In Care Of, if any)" field for **Part 1.**, item number 3. to ensure that you receive communications from USCIS. However, petitioners **must** still provide the actual address of their primary office in **Part 1.**, item number 3.

5. You do not have to provide the names of all workers you request. However, you must provide the workers' names if you:

- a. Require workers with specific education, skills, licenses, or other requirements (as indicated on the temporary labor certification); or
- b. Request workers who are already in the United States.

A completed and properly signed H Classification Supplement to Form I-129.

1. Only the petitioner (named in **Part 1.** of Form I-129) can sign the H Classification Supplement in **Section 2., Part A.**

2. In some cases, an employer uses an agent who meets the requirements of an agent-petitioner to file Form I-129 on its behalf. In that event, the employer (who is **not** the petitioner named in **Part 1.**) **must** sign the *H Classification Supplement* in **Section 2., Part B.** The agent-petitioner must still sign **Part A.** in this situation.

NOTE: Submitting a signed contract between an employer and the agent-petitioner does not replace the need for a signature from the employer in **Section 2, Part B.** of the *H Classification Supplement*.

3. Submit documentation to support any affirmative answers to **Item Numbers 8. - 13.** in **Section 2.** of the H Classification Supplement, regarding collection of prohibited fees from workers.

- Payment of the base petition fee plus additional fees, if applicable. Check current fees at uscis.gov/g-1055.
- Payment of the fraud prevention and detection fee.
- An approved temporary labor certification.

IMPORTANT: An H-2B petition based on a DOL-approved temporary labor certification **must** state an employment “**From**” date in **Part 5.**, item number **11.** of Form I-129 that is the same as the date of need stated on the certified ETA Form 9142. **This is not required** if you are filing an amended petition due to unavailability of originally requested workers.

1. Submit the original temporary labor certification.
2. If you are filing a subsequent petition using a temporary labor certification that was already submitted to USCIS in a previous petition, instead provide:
 - a. A photocopy of the previously submitted temporary labor certification;
 - b. The receipt number of the petition containing the original temporary labor certification; and
 - c. A statement explaining why you were unable to submit the original temporary labor certification.
- Optional: A cover letter from the petitioner or employer on official letterhead describing:
 1. The nature of the employer's business;
 2. Any additional locations or mailing addresses used by the employer;
 3. The duties to be performed in the position offered;
 4. The nature of the employer's need for workers, including why the job is temporary, along with independent documentation to support the claimed need; and
 5. The qualifications of the requested workers, if applicable.

Additional Documentation to Show the Worker Qualifies for H-2B Employment

- You may file for more than one worker on a single petition if:
 1. **All** of the beneficiaries will perform the same services for the same period of time and in the same location;
 2. The total number of H-2B workers you request does not exceed the number of positions indicated on the corresponding temporary labor certification; and
 3. You request the same action for **all** beneficiaries included on the petition. The requested action must be one of the following:
 - a. Notification of a U.S. Embassy or U.S. Consulate, Port of Entry (POE), or Pre-Flight Inspection (PFI);
 - b. Extension in H-2B classification;
 - c. Change of status; or
 - d. Amended stay.
- If the temporary labor certification states the workers require certain education, training, experience, or other special requirements, you must:
 1. Name the workers on the petition; and
 2. Provide documentation to show that each worker qualifies for the job offered.

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- If you are requesting a change of status, extension of stay, or amendment of stay, provide evidence of each worker's previous nonimmigrant classification and maintenance of status. This evidence may include, but is not limited to:
1. Copies of each worker's most recent paystubs;
 2. Copies of each worker's Form I-94, Arrival-Departure Record;
 3. Copies of the biographic information pages from each worker's passport or travel document; and
 4. Documents showing how long the workers have been present in the United States.
- If you are filing an amended petition requesting substitution due to the unavailability of H-2B workers you originally requested, provide:
1. A copy of the original H-2B petition approval notice;
 2. A photocopy of the previously submitted temporary labor certification;
 3. A statement explaining why the substitution is necessary;
 4. Evidence that the total number of workers will not exceed the number of H-2B workers authorized on the temporary labor certification; and
 5. Evidence of the qualifications of the newly identified beneficiaries, if applicable.



Optional Checklist for Form I-129 R-1 Filings

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

USCIS
Form M-736

This is an optional checklist to assist petitioners with filing an I-129 R-1 petition.

Do not submit this checklist to USCIS.

NOTE: This optional check list is provided to assist petitioners in completing the petition package; however, it is not intended to substitute for or alter any statutory or regulatory requirements. USCIS recommends that you review the relevant statutory requirements, as well as the appropriate form instructions before completing and submitting the petition.

Requirements for the Petitioner

- Form I-129, including the R-1 Supplement signed by the petitioner:
 1. If the petitioner has its own **individual** IRC 501(c)(3) letter, provide a currently valid determination letter from the IRS establishing that the petitioning organization is a tax-exempt organization; or
 2. If the petitioner is recognized as tax-exempt under a **group** tax-exemption, provide an IRS group tax exemption determination letter; or
 3. If the petitioner is **affiliated** with the religious denomination, provide:
 - a. Currently valid determination letter from IRS;
 - b. Documentation that establishes the religious nature and purpose of the organization;
 - c. Organizational literature; and
 - d. Religious denomination certification signed by an authorized official of the religious denomination with which the petitioner is claiming affiliation.

- Salaried or non-salaried compensation:
 1. Verifiable evidence of how the petitioner intends to compensate the beneficiary, including specific monetary or in-kind compensation, or whether the beneficiary intends to be self-supporting. Example: Past evidence of compensation for similar positions; budgets showing monies set aside for salaries, leases, etc.; verifiable documentation that room and board will be provided; or other evidence acceptable to USCIS. If IRS documentation, such as IRS Form W-2 or certified tax returns, is available, it must be provided. If IRS documentation is not available, an explanation for its absence must be provided, along with comparable, verifiable documentation.
 2. If the beneficiary will be self-supporting, provide:
 - a. Documentation establishing that the position that the beneficiary 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;
 - b. Evidence demonstrating that the petitioner has an established program for temporary, uncompensated missionary work;
 - c. Evidence demonstrating that the denomination maintains missionary programs both in the United States and abroad;
 - d. Evidence of the beneficiary's acceptance into the missionary program;
 - e. Evidence demonstrating the religious duties and responsibilities associated with the traditionally uncompensated missionary work; and
 - f. Copies of the beneficiary's bank records, budgets documenting the sources of self-support (including personal or family savings, room and board with host families in the United States, donations from the denomination's churches), or other verifiable evidence acceptable to USCIS.

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- For extension of stay as an R-1, provide initial evidence of previous R-1 employment.
 1. If the beneficiary received salaried compensation, provide IRS documentation that the beneficiary received a salary, such as an IRS Form W-2 or certified copies of filed income tax returns reflecting such work and compensation for the previous R-1 employment.
 2. If the beneficiary received non-salaried compensation:
 - a. If IRS documentation is available, provide IRS documentation of the non-salaried compensation.
 - b. If IRS documentation is not available, provide an explanation for the absence of IRS documentation and verifiable evidence of all financial support, including stipends, room and board, or other support for the beneficiary with a description of the location where the beneficiary lived, a lease to establish where the beneficiary lived, or other evidence acceptable to USCIS.
 - c. If the beneficiary received no salary but provided for his or her own support and that of any dependents, provide verifiable documents to show how support was maintained, such as audited financial statements, financial institution records, brokerage account statements, trust documents signed by an attorney, or other evidence acceptable to USCIS.

Requirements for the Beneficiary

- Evidence of membership in a religious denomination having a bona fide non-profit religious organization in the United States for at least two years immediately preceding the filing of the petition.
- If the beneficiary is a minister, provide:
 1. Copy of the beneficiary's certificate of ordination or similar documents; and
 2. Documents reflecting acceptance of the beneficiary's qualifications as a minister in the religious denomination, as well as evidence that the beneficiary has completed any course of prescribed theological education at an accredited theological institution normally required or recognized by that religious denomination. Include transcripts, curriculum, and documentation that establishes that the theological institution is accredited by the denomination; or
 3. If the denominations do not require a prescribed theological education, provide:
 - a. Denomination's requirements for ordination to minister;
 - b. Duties allowed to be performed by virtue of ordination;
 - c. Denomination's levels of ordination, if any; and
 - d. Beneficiary's completion of the denomination's requirements for ordination.