



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

Department of Homeland Security
U.S. Citizenship and Immigration Services (USCIS)

USCIS
Form M-735
Internal Form

*This is an optional checklist to assist FY 2013 petitioners with filing an I-129 H-1B petition.
Do not submit this checklist to 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, it will be rejected as improperly filed. **If one or more of the required fees are returned due to insufficient payment, the H-1B petition will NOT retain the original filing date.** H-1B cap petitions with non-payable fees will be given a new filing date the day the fee deficiency is corrected, as long as the cap has not been met. If the new filing date is after the numerical cap has been met, the petition will be rejected.
-
- Proper fees are enclosed:
- Base fee of **\$325**
 - ACWIA fee of **\$750/\$1,500** (if/as applicable)
 - Fraud Prevention and Detection fee of **\$500** (if applicable)
 - Public Law 111-230 fee of **\$2,000** (if applicable)
 - Premium Processing Service fee of **\$1,225** (if applicable)
-
- Petition includes original signatures (preferably in black ink) on **Pages 6, 7, 10** (if applicable) and **12** of Form I-129 (with a revision date of 11/23/10 or later).
-
- All sections of the Form I-129, H Classification Supplement to Form I-129, and H-1B Data Collection and Filing Fee Exemption Supplement (with revision date of 11/23/10 or later) are completed and all required pages are enclosed.
-
- Form I-907 (with revision date of 08/10/09 or later) is completed, signed in the original, and enclosed if seeking Premium Processing Service.
-
- A certified Department of Labor (DOL) Labor Condition Application (LCA) is signed by petitioner and enclosed.
-
- Petition is being mailed with appropriate labels to the California Service Center (CSC) or Vermont Service Center (VSC) consistent with filing jurisdictions and instructions listed at www.uscis.gov.
-
- All questions on Form I-129, H-1B Data Collection and Filing Fee Exemption Supplement (with a revision date of 11/23/10 or later), **Pages 17 through 19** (particular those in **Part C**) are answered correctly.

H-1B Regular Cap

1. Requested start date must be on/after 10/01/2012 and within 6 months of the filing date.
 2. Includes current H-1B visa holders that were previously cap exempt and are now seeking to change to cap-subject employment.
 3. Check the box for **1a** on **Part C** of **Page 18**.
-

H-1B Advanced Degree Exemption

1. Requested start date must be on/after 10/01/2012 and within 6 months of the filing date.
 2. Beneficiary has earned a master's (or higher) degree from a U.S. educational institution.
 3. Check the box for **1b** on **Part C** of **Page 18** and complete **Question 2, Part C** on **Page 18**.
-

Chile/Singapore H-1B1 Cap

1. Requested start date for a FY 2013 H-1B1 must be on/after 10/01/2012 and within 6 months of the filing date.
 2. Beneficiary is a national of Chile or Singapore.
 3. Check the box for **1c** on **Part C** of **Page 18**.
 4. Complete, sign and submit **Page 10**, Trade Agreement Supplement to Form I-129.
-

H-1B Cap-Exempt or Non-Cap H-1B Extension of Stay

1. If the petition is cap exempt or otherwise not cap-subject, check the box for **1d** on **Part C** of **Page 18** and complete **Question 3, Part C** on **Pages 18** and **19**.
2. Includes current H-1B visa holders that were previously counted towards the cap.
3. Includes amended petitions where the petitioner is seeking to notify USCIS of changes to employment conditions of a current H-1B beneficiary.