



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

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

USCIS
Form M-735
Internal Form

*This is an optional checklist to assist FY 2018 H-1B petitioners submit an I-129 H-1B petition.
Do not submit this checklist to U.S. Citizenship and Immigration Services (USCIS).*

ALERT: Starting April 3, 2017, USCIS will temporarily suspend premium processing for all H-1B petitions. This suspension may last up to 6 months. We will notify the public before resuming premium processing for H-1B petitions. While premium processing is suspended, we will reject any Form I-907 filed with an H-1B petition. If the petitioner submits one combined check for both the Form I-907 and Form I-129 H-1B fees, we will have to reject both forms. Read more here: [USCIS Will Temporarily Suspend Premium Processing for All H-1B Petitions](#).

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 of **\$460**

American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) fee of **\$750/\$1,500** (if/as applicable)

Fraud Prevention and Detection fee of **\$500** (if applicable)

Public Law 114-113 fee of **\$4,000** (if applicable)

Premium Processing Service fee of **\$1,225** (if applicable)

We prefer that you submit a separate check 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 checks. If you only submit one check as combined payment for all applicable fees and certain fees do not apply or are incorrect, we may reject your H-1B petition.

Petition includes original signatures (preferably in black ink) on **Pages 6, 7** (if applicable), and **14** of Form I-129 (with a revision date of 01/17/17).

*For older versions of Form I-129 (with a revision date on or after 10/23/14, but before 08/13/15), the petition must include original signatures (preferably in black ink) on **Pages 7, 8, 11** (if applicable), and **14**. For Form I-129 with a revision date of 08/13/15 or 12/23/16, the petition must include original signatures (preferable in black ink) on **Pages 6, 7** (if applicable) and **14**.*

All sections of Form I-129, H Classification Supplement to Form I-129, and H-1B Data Collection and Filing Fee Exemption Supplement (with revision date of 10/23/14 or later) are completed and all required pages are enclosed.

If you are seeking Premium Processing Service, Form I-907 (with revision date of 01/29/15 or later) is completed, 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 California Service Center (CSC) or Vermont Service Center (VSC), according to the filing jurisdictions and instructions listed at www.uscis.gov.

All questions on Form I-129, H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement **Pages 19 through 21**, (particularly those in **Section 3**) are answered correctly (with a revision date of 12/23/16 or 01/17/17).

*For older versions of the form (with a revision date on or after 10/23/14, but before 08/13/15), questions on **Pages 19 through 21** (particularly those in **Part C**) must be answered correctly.*

H-1B Regular Cap

1. Requested start date must be on or after 10/01/2017 and within six months of the filing date.
2. Includes current H-1B beneficiaries that were previously cap exempt and are now seeking to change to cap-subject employment.
3. Select the box for **Item A.** in **Item Number 1.** on **Section 3** of **Page 20** of Form I-129, with a revision date of 12/23/16 or 01/17/17.

*For older versions of Form I-129 (with a revision date on or after 10/23/14, but before 08/13/15), select the box for **Item A.** in **Item Number 1.** on **Part C** of **Page 20.***

If you are filing your petition under the Regular Cap, indicate by printing "Regular Cap" at the top of Form I-129.

H-1B Advanced Degree Exemption

1. Requested start date must be on or after 10/01/2017 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. Select the box for **Item B.** in **Item Number 1.** on **Section 3** of **Page 20** and complete **Question 2, Section 3** on **Page 20** of Form I-129 (revision date of 12/23/16 or 01/17/17).

*For older versions of Form I-129 (with a revision date on or after 10/23/14, but before 08/13/15), select the box for **Item B.** in **Item Number 1.** on **Part C** of **Page 20** and complete **Question 2, Part C** on **Page 20.***

If you are filing your petition under the Advanced Degree Exemption, indicate by printing "U.S. Master's" at the top of Form I-129.

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 10/01/2017 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 [Extension of Post Completion Practical Training \(OPT\) and F-1 Students for Eligible Students under the H-1B Cap-Gap Regulations](#) page.

Chile/Singapore H-1B1 Cap

1. Requested start date for a FY 2018 H-1B1 must be on/after 10/01/2017 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 **Page 20** of Form I-129 (revision date of 12/23/16 or 01/17/17).

*For older versions of Form I-129 (with a revision date on or after 10/23/14, but before 08/13/15), select the box for **Item C.** in **Item Number 1.** on **Part C** of **Page 20.***

4. Complete and submit **Page 11**, Trade Agreement Supplement to the new version of Form I-129 (revision date of 08/13/15 or later).

*For older versions of Form I-129 (with a revision date on or after 10/23/14, but before 08/13/15), complete and submit **Page 10**, Trade Agreement Supplement.*

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 **Page 20** and complete **Question 3, Section 3** on **Page 21** of Form I-129 (revision date of 12/23/16 or 01/17/17).

*For older versions of Form I-129 (with a revision date on or after 10/23/14, but before 08/13/15), select the box for **Item D.** in **Item Number 1.** on **Part C** of **Page 20** and complete **Question 3, Part C** on **Page 21.***

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 changes to employment conditions 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.