
A petition for a grant of initial status for a beneficiary currently in the CNMI with a CNMI issued permit must have been filed on or before November 27, 2011.

Written Consultation for O and P Nonimmigrants

Written consultation. Certain classifications require a written consultation with a recognized peer group, labor, and/or management organization regarding the nature of the work to be done and the beneficiary's qualifications before USCIS can approve the petition.

To obtain timely adjudication of a petition, you should obtain a written advisory opinion from an appropriate peer group, labor, and/or management organization and submit it with the petition.

If you file a petition without the advisory opinion, you will need to send a copy of the petition and all supporting documents to the appropriate organization when you file the petition with USCIS, and name that organization in the petition. Explain to the organization that USCIS will contact them for an advisory opinion.

If you do not know the name of an appropriate organization with which to consult, indicate that on the petition. However, a petition filed without the actual advisory opinion will require substantially longer processing time.

Liability for Return Transportation

The Immigration and Nationality Act makes a petitioner liable for the reasonable cost of return transportation for an H-1B, H-2B, O, and P beneficiary who is dismissed before the end of the period of authorized admission.

What Is the Filing Fee

The base filing fee for Form I-129 is **\$460**.

American Competitiveness and Workforce Improvement Act (ACWIA) fee for certain H-1B and H-1B1 Petitions

A petitioner filing Form I-129 for an H-1B nonimmigrant or for a Chile or Singapore H-1B1 Free Trade Nonimmigrant must submit the **\$460** petition filing fee and, unless exempt under **Section 2.** of the H-1B Data Collection and Filing Fee Exemption Supplement, an additional fee of either **\$1,500** or **\$750**. To determine which ACWIA fee to pay, complete **Section 2.,** of the H-1B Data Collection and Filing Fee Exemption Supplement.

A petitioner filing Form I-129 who is required to pay the ACWIA fee may make the payment in the form of a single check or money order for the total amount due or as two checks or money orders, one for the ACWIA fee and one for the petition fee.

Additional fees for H-1B, L-1, and H-2B Petitions

A petitioner seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another petitioner, **must submit a \$500 Fraud Prevention and Detection fee.** Petitioners for Chile or Singapore H-1B1 Free Trade Nonimmigrants do not have to pay the **\$500** fee.

Those petitioners required to submit the \$500 Fraud Prevention and Detection fee are also required to submit either an additional **\$4,000** (H-1B) or **\$4,500** (L-1) fee mandated by Public Law 114-113, **if:**

1. The petitioner employs 50 or more individuals in the United States;
2. More than 50 percent of those employees are in H-1B, L-1A, or L-1B nonimmigrant status; **and**
3. The petition is filed on or after December 18, 2015.

Employers filing H-2B petitions must submit an additional fee of **\$150**.

You must include payment of the fees with your submission of this form. Failure to submit the fees when required will result in rejection or denial of your submission.

NOTE: The Fraud Prevention and Detection fee and Public Law 114-113 fee, when applicable, may not be waived. Each fee should be submitted in a separate check or money order.

Biometrics Services fee for certain beneficiaries in the CNMI

An additional biometrics services fee as described in 8 CFR 103.7(b) is required if the alien is lawfully present in the CNMI when applying for an initial grant of any federal nonimmigrant status. After submission of the form, USCIS will notify you about when and where to go for biometric services.

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this petition. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Use the following guidelines when you prepare your checks or money orders for the Form I-129 filing fee:

1. The check and money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. **Make the checks or money orders payable to U.S. Department of Homeland Security.**

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”

Notice to Those Making Payment by Check. If you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.

How to Check If the Fees Are Correct

Form I-129’s filing fee and biometrics services fee are current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS website at www.uscis.gov, select “FORMS,” and check the appropriate fee; or
2. Visit the USCIS Contact Center at www.uscis.gov/contactcenter to get answers to your questions and connect with a live USCIS representative. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

When To File?

Generally, a Form I-129 petition may not be filed more than 6 months prior to the date employment is scheduled to begin. Petitioners should review the appropriate regulatory provisions in 8 CFR that relate to the nonimmigrant classification sought.

Where To File?

Regular Processing:

Please see our website at www.uscis.gov/I-129 or visit the USCIS Contact Center at www.uscis.gov/contactcenter to connect with a USCIS representative for the most current information about where to file this petition. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.