



US IMMIGRATION AND NATIONALITY LAW

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Q : **U.S. Citizenship and Immigration Services (USCIS) revised the Form I-129, which is used by U.S. petitioning employers for H-1B, L-1, and other nonimmigrant categories. How do these form changes affect U.S. petitioning employers?**

a : The revised Form I-129, which can be viewed at www.uscis.gov, contains several new sections, including questions regarding the beneficiary's worksite location(s), whether the petition is subject to the H-1B/L-1 border security fee, and whether the employer is in compliance with export control rules and H-1B program rules, including labor condition application (LCA) terms and conditions, maintenance of a valid employer-employee relationship, and, if the beneficiary is assigned to a new worksite, the submission of a new LCA before reassignment. Employers must also acknowledge that the beneficiary cannot reimburse employers for the H-1B training and education fee required for most H-1B petitions. The new form requires employers to acknowledge that USCIS can verify the information in the I-129 petition by any means the agency deems appropriate, including through visits to the worksite and use of "publicly available open source information." The newly revised Form I-129 will be the only acceptable version starting December 23, 2010.