



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).

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- ☐ 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.

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- ☐ Proper fees are enclosed:

- ☐ Base fee, as applicable (see Form I-129 instructions for amount)
- ☐ Asylum Program fee, if/as applicable (see Form I-129 instructions for amount)
- ☐ American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) fee, if/as applicable (see Form I-129 instructions for amount)
- ☐ Fraud Prevention and Detection fee, if applicable (see Form I-129 instructions for amount)
- ☐ Public Law 114-113 fee, if applicable (see Form I-129 instructions for amount)
- ☐ Premium Processing Service fee, if applicable (see Form I-907 instructions amount)

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 will reject your H-1B petition.

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

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- ☐ 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.

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- ☐ 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.

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- ☐ 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.

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- ☐ You are mailing the petition with appropriate labels to the appropriate location, according to the filing jurisdictions and instructions listed at <https://www.uscis.gov/i-129-addresses>.
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☐ **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. 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.

☐ **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 <https://www.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.

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.
