

Petition For Nonimmigrant Worker Filing Fee Exemption

On October 21, 1998, Congress enacted the "American Competitiveness and Workforce Improvement Act," (ACWIA) Public Law No. 105-277. Section 414(a) of ACWIA created an additional **\$500** filing fee for all petitions to classify an alien as an H-1B nonimmigrant worker, filed on or after December 1, 1998.

A United States employer petitioning for new H-1B employment, concurrent employment, sequential employment, and the first extension of stay, must file a completed Form I-129, accompanied by the **\$110** filing fee **PLUS** an additional **\$500** in a single remittance, (one check or money order) of **\$610**. A United States employer is not required to submit the additional \$500 fee if the employer is an "exempt organization" (institution of higher education or related or affiliated nonprofit entity, or nonprofit or Governmental research organization) as defined at 8 CFR 214.2(h) (19) (iii).

PART A

In order for the Immigration and Naturalization Service (Service) to determine if you must pay the additional \$500 fee, please answer all of the following questions:

- | | YES | NO | |
|----|--------------------------|--------------------------|--|
| A. | <input type="checkbox"/> | <input type="checkbox"/> | Are you an institution of higher education as defined in Section 101 (a) of the Higher Education Act of 1965 and 8 CFR 214.2(h) (19) (iii)? |
| B. | <input type="checkbox"/> | <input type="checkbox"/> | Are you a nonprofit organization or entity related to or affiliated with an institution of higher education, as defined under 8 CFR 214.2(h) (19) (iii)? |
| C. | <input type="checkbox"/> | <input type="checkbox"/> | Are you a nonprofit research organization or a Governmental research organization, as defined under 8 CFR 214.2(h) (19) (iii)? |
| D. | <input type="checkbox"/> | <input type="checkbox"/> | Is this the second or subsequent request for an extension of stay that you have filed for this alien? |

If you answered **YES** to any of the sections above, you are required to submit **ONLY** the fee for your H-1B Form I-129 petition, which is \$110.

PART B

A United States employer claiming an exemption from the \$500 filing fee, based on responses to part A, must submit evidence as a nonprofit organization, as established by tax exempt status under sections 501(c) (3), (4) or (6) of the Internal Revenue Code of 1986, 26 U.S.C.A. 501 et seq.

I certify under penalty of perjury, under the laws of the United States of America, that this attachment and the evidence submitted with it, is all true and correct. If filing this on behalf of an organization, I certify that I am empowered to do so by that organization. I authorize the release of any information from my records or from the petitioning organization's records, that the Immigration and Naturalization Service needs to determine eligibility for the exemption being sought.

Signature and Title

Print Name

Date

Authority

Authority to collect this information is contained in Public Law 105-277 (The American Competitiveness and Workforce Improvement Act of 1998). Failure to provide all requested information may delay the final decision or result in denial of your request. INS, Department of State (DOS), and Department of Labor (DOL) will use the information to determine eligibility for the benefit requested, and may provide other agencies with the information.

Public Reporting Burden

Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is 15 minutes per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, 425 I Street, N.W., Room 5307, Washington, D.C. 20536. **(DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS).**