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Helpful Hints for Filing a FY 2009 H-1B Cap Case: Short Version

U.S. Citizenship and Immigration Services (USCIS), anticipating that April 1, 2008 will see a repeat of the mass filings from last year, wishes to offer this list of measures the petitioner can take to ensure that their petition is correctly filed.

For Fiscal Year 2009, the first filing date is **Tuesday, April 1, 2008**. Cap subject petitions received before that date will be rejected. Petitions are filed at Vermont and California Service Centers, depending on jurisdiction. See filing instructions. Both the forms and the instructions can be downloaded from this website. Click on this page's related link, "Download form I-129: Petition for a Nonimmigrant Worker" or visit the "Immigration Forms" section of our homepage.

Here are some general tips on what to do to make sure that your petition is completed and filed properly.

1. Clearly label all H-1B cap cases in red ink on top margin of Form I-129 petition. Use the following codes:

- **Reg. Cap** (65,000 regular cap cases minus the C/S cap cases received)
- **C/S Cap** (Chile/Singapore H-1B1s)
- **U.S. Masters** (20,000 cap exemption for beneficiaries with U.S. Masters or higher degrees)
- **Exempt** (for petitions filed by certain institutions of higher education; nonprofit organizations; and nonprofit research organizations or governmental research organizations, as defined in USCIS regulations)

2. Fill out Form I-129 and supplements correctly, consistently and completely.

- **Form I-129 petition**
- **H classification supplement** (page 7)
- **H-1B Data Collection and Filing Fee Exemption Supplement** (pages 10 and 11)

Original signatures are required. **Tip: blue ink** makes it easy for us to confirm an original.

3. Employer must submit the correct fees as seen on form instructions (separate checks for each are best).

Base filing fee	\$320
American Competitiveness and Workforce Improvement Act of 1998 (ACWIA fee)	<ul style="list-style-type: none"> ● \$750 For employers with 1 to 25 full time equivalent employees unless exempt ● \$1,500 For employers with 26 or more full time equivalent employees unless exempt ● (see H-1B Data Collection and Filing Fee Exemption Supplement, Part B)
Fraud fee	\$500 To be submitted with the initial H-1B petition filed on behalf of each beneficiary by a petitioner. (Not for Chile/Singapore H-1B1 cases)
Premium Processing fee	<ul style="list-style-type: none"> ● \$1,000 For employers seeking Premium Processing Service

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See Fee Exemption and/or Determination (Page 10 and 11) for detailed instructions on fees.

4. Please send only one petition per envelope. (These may then be mailed together in one mailing package.)

- Regular Cap
- U.S. Master's Cap
- Regular Cap Premium Processing
- U.S. Master's Cap Premium Processing
- H-1B1 Chile/Singapore

Please note that incorrectly completed or filed petitions may result in rejection or denial of the petition.

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