

USCIS Issues New I-129 Form and Instructions

Take note! As of March 11, 2005, the USCIS has revised the Form I-129, the form required for all O and P visa petitions for foreign guest artists. While the previous version of the form will be accepted by USCIS until April 30, please become familiar with the new form right away. The supporting evidence required for O and P visa petitions has not changed, but petitioners will find some new changes to the Form I-129. Most notably, the visa categories for artists that were formerly identified as O-1 and P-1 are now classified as O-1B and P-1B. Please read the Form I-129 carefully. Artistsfromabroad.org will soon be updated throughout to reflect any changes. In the meantime, please review our **FAQ** about the new form to learn the basics.

Frequently-Asked Questions:

- Q.** When must I start using the new form?
A. USCIS will accept the previous version of the I-129 until April 30, 2005. However, to avoid any delays, we recommend switching to the new form well before the April 30 deadline.
- Q.** I am a nonprofit arts organization. Under Part 1, do I need to include a social security number and/or individual tax number?
A. No. Complete those spaces with "N/A." You are required to include your federal employer identification number.
- Q.** If my reason for filing is anything other than new employment for an artist, how do I answer questions 3 and 4 in Part 2?
A. These boxes appear to be redundant. Provide the prior receipt number in both boxes.
- Q.** I have noticed several references to TN and H1B1 visas on the new form. Do these visa categories apply to the arts?
A. No. Performing artists are not eligible for the TN and H1B1 visa categories.
- Q.** The new form asks whether my organization has previously filed a visa petition for the artist(s). How do I respond to this?
A. This is a new question. If you have previously submitted a visa petition on behalf of the artist(s), on a separate piece of paper list the application dates, visa classification (*i.e.* O-2, P-3), and receipt numbers to the best of your ability.
- Q.** The new form asks for the LCA Case Number and NAICS Code? What are these, and must I complete them?
A. To the best of our knowledge, the LCA number and NAICS Code do not apply to O and P visas. Complete those spaces with "N/A."

- Q.** In Part 5, question 7, the form asks for “other compensation,” but no longer asks for an amount. How should I complete this?
- A.** Describe the type of compensation (travel, lodging, etc) and provide a total estimated value.
- Q.** I am applying on behalf of a performing group and have noticed that, for artists, what used to be called the P-1 category is now called P-1B category. I am completing the O and P supplement to Form I-129, but see only the P-1 is listed. How do I complete this?
- A.** Check off the P-1 box and circle “entertainment.”
- Q.** The new instructions seem to indicate that the requirements for supporting evidence have changed. Will I need different supporting documents than I am used to providing?
- A.** Unfortunately, the new instructions are incomplete and inaccurate in some respects. The requirements for supporting evidence have not changed. Please continue to rely on the guidance provided on the www.ArtistsfromAbroad.org web site.