

Department of Homeland Security (DHS)
USCIS
Chief, Regulatory Products Division, Clearance Office
111 Massachusetts Avenue NW, Suite 3008
Washington, DC 20529-2210

RE: Agency Information Collection Activities: Form I-129. OMB Control no. 1615-0009

Dear Sir/Madam:

_____ hereby submits comments to the Agency Information Collection of the Department of Homeland Security (DHS) proposing modification of Form I-129, Petition for a Nonimmigrant Worker (75 Fed. Reg. 6212 (Feb. 8, 2010)). _____ is a private consulting firm which has been providing information technology and software solutions to a range of industries since _____. Our company regularly uses Form I-129 in order to file petitions to temporarily employ foreign workers in the H-1B visa category, many of whom may be assigned to projects at third-party locations. We appreciate the opportunity to comment on the proposed changes to Form I-129.

Part 6. Additional Information about Employment under a Third Party Contract

_____ suggests that requiring the name of the company where the beneficiary will work, as well as the name, title, and phone number of the contact individual at the work site, is duplicative and overly burdensome. USCIS Service Centers already routinely request a letter from the work site that includes these details. Because this information is provided by the *petitioner* on Form I-129, we expect that Service Centers will still require a confirmation of the same information in the form of a letter from the work site. It is therefore unnecessary to request the same information in a different format.

It is also important to point out that contact individuals at the work sites change frequently. As the typical H-1B visa application provides a three-year validity period, it is highly likely that the contact individual will change at some point over that three-year period. USCIS's re-visiting the petition after adjudication, such as during an FDNS site visit, can result in possible revocation if the contact individual listed on the petition is no longer available to answer questions that may arise.

Part 7. Deemed Export Acknowledgement

Furthermore, before requiring information regarding Deemed Export licenses on Form I-129, the Export Administration Regulations (EAR) and Commerce Control List (CCL) should be clarified. The FAQs listed on the DOC's website have not been updated since 2004, and it is difficult to determine whether the software used by our employees for various projects falls under the CCL because it includes no searchable index. A more user-friendly format of the CCL and EAR should be implemented prior to requiring this information in Form I-129. Furthermore, employers would still be required to undergo the complicated assessment required by the EAR while yielding little or no measurable benefit to national security.

Data Collection