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PRACTICE AREAS

BUSINESS

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H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

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Naturalization / Citizenship

AMNESTY

Troublesome Changes to Temp Work Visa Forms

Posted: August 5th, 2010

The U.S. Citizenship and Immigration Services (the "USCIS") recently announced proposed changes to Form I-129, which is primarily used for obtaining approvals to [hire temporary foreign workers](#) or extend their stays.

The American Immigration Lawyers Association (the "AILA") has raised a number of objections to the proposed changes, citing in particular unfair requirements for employer sponsors and employee beneficiaries to make overly broad attestations. The AILA has also objected to provisions in the form that would seem to require technology export license approvals in certain circumstances possibly at conflict with existing law.

But the most troublesome part of the new Form I-129 might well be an apparent requirement that an amended H-1B petition must be filed even for temporary workers every time they change work locations.

The new requirement, which appeared in the form's proposed instructions, is not consistent with existing policy of the USCIS. A simple change in location does not change the worker's underlying job duties, so it is hard to understand why the requirement was announced.

But stay tuned for more news, as the AILA has put forth a significant response to the new proposals in the form of a [detailed letter with supporting legal citations](#).

These proposed changes illustrate the many technical nuances of immigration forms and the potential liabilities they can create for employers. If you have questions about non-immigrant temporary worker forms, call our offices at (847) 564-0712, and check out the [business work visa](#) section of our Website.