

New Form I-129s for Intracompany Transferees Required for Blanket Petitions at US Embassies after August 29, 2016

August 8, 2016

The United States Citizenship and Immigration Services (USCIS) has published a revised Form I-129S, NONIMMIGRANT PETITION BASED ON BLANKET L PETITION. USCIS announced that this form must be used exclusively in applications filed with USCIS after August 29 and the State Department has, at least in the interim, confirmed that applicants for Blanket L-1 petition classification at United States embassies and consulates must present the new form at interviews scheduled after August 29, 2016, as well.

Accordingly, any individuals who have in hand a Blanket L petition and supporting documents using the current form must apply for the visa prior to August 29 or update their presentations with the new form.

Although most of the changes in the form are cosmetic, there are some significant differences.

More detail is required as to the specifics of prior employment, including listing dates of employment and salary received. More significantly, it also requires the employer to identify "the percentage of time the beneficiary will spend performing the duties on a daily basis in the proposed U.S. position." It is unclear how detailed this breakdown must be! It is not comforting or reassuring when we observe that the form advises "if you need extra space to complete this section, use the space provided in Part 10."

For those who are in the process of preparing blanket petitions or scheduling interviews, who will not be able to schedule nonimmigrant visa interviews before August 29 [unless the Department of State changes the deadline], the application process will have to be revisited in order to properly update the paperwork. Applicants scheduled with L-1 blanket visa appointments for August 29 or later should double-check that the bottom left-hand corner of their Form I-129S is listed with the "6/2/2016" edition date.

Counsel and Human Resource Professionals should reach out to any blanket petition applicants who may not have completed the nonimmigrant visa process to determine whether an update might be required.

If you have any questions, please contact your Proskauer Immigration Professional.