U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

APR 22 2011

MEMORANDUM FOR: See Distribution Below

FROM: Executive Directo (B)(6), (B)(7)(C) Admissibility and Passenger Programs

SUBJECT: Clarification of POE L-1 Petition processing and appropriate filing fee collections

The purpose of this Memorandum is to further clarify the October 15, 2010 field guidance titled *Emergency Supplemental Appropriations for Border Security Act-Mandatory Collection of Additional "H-1B" and "L" Petition Filing Fees*. Effective immediately, CBP officers may only accept the editions of Form I-129, Petition for Nonimmigrant Worker, and Form I-129S, Nonimmigrant Petition Based on Blanket "L" Petition, with a revision date of 11/23/10. Any Form I-129 or Form I-129S with a revision date earlier than 11/23/10 should not be accepted for processing.

Fees Collectable on L-1 Petitions:
CBP officers at all Class A POEs on the U.S/Canada land border or U.S. preclearance stations in Canada who are adjudicating an **initial** L-1 petition for a Canadian citizen must collect the $500 Fraud Detection and Prevention Fee. This requirement pertains to both initial L-1 petitions filed on Form I-129 or I-129S. CBP officers are also required to collect the additional payment of $2,250 from certain L-1 employers, to ensure compliance with the provisions of P.L. 111-230, as amended.

Summary of Fees

I-129 L-1 Packet Fee Collection (POEs)

$ 325.00	Form I-129 Base Filing fee
$ 500.00	Fraud Detection Fee
$ 6.00	Form I-94 (Land Border Only)
$2,250.00	P.L. 111- 230 Fee (If applicable)
$3,801.00	

I-129S L-1 Packet Fee Collection (POEs)

$ 500.00	Fraud Detection Fee
$ 6.00	Form I-94 (Land Border Only)
$2,250.00	P.L. 111- 230 Fee (If applicable)
$2,756.00	

Please Note: There is no base filing fee for the Form I-129S.

Please ensure that this Memorandum and the attached Processing and Fee Collection Guide are disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (B)(6), (B)(7)(C) Program Manager, Admissibility and Passenger Programs at (B)(6), (B)(7)(C)

Attachment

Distribution:

Director, Field Operations, Boston Field Office
Director, Field Operations, Buffalo Field Office
Director, Field Operations, Detroit Field Office
Director, Field Operations, Seattle Field Office
Director, Pre-Clearance Operations

L-1 Petition Processing and Fee Collection Guide

Which form is being processed?

Form I-129, Petition for Non immigrant Worker	Go to Section A
Form I-129S, Nonimmigrant Petition Based on Blanket L Petition	Go To Section B

Section A - Form I-129

Is the $500 Fraud Fee Required?

Review Part 2 to make a determination. Which category is marked?	
a. New Employment	see Section C/ collect fee*
b. Continuation of previously approved employment without change with the same employer.	see Section C
c. Change in previously approved employment	reject application
d. New concurrent employment	collect fee*
e. Amended petition	collect fee*

If the petitioner selects option 'c', CBP cannot adjudicate the petition and must reject the petition as improperly filed.
*If the $500 fee is not present, the petition may be considered improperly filed and rejected.

Is the $2,250 fee under P.L. 111-230 required?

Review question 4 of the L Classification Supplement to Form I-129 (pages 20-23 of the I-129) to make a determination.**	
Was the petitioner required to pay the Fraud Fee?	Yes/No
Did the petitioner answer yes to question 4a?	Yes/No
Did the petitioner answer yes to question 4b?	Yes/No
If the answer is yes to all of the above, the petitioner is required to pay the Fee.	
If the P.L. 111-230 fee is required, the I-129 must be accompanied by a check made payable to the Department of Homeland Security. If the $500 fee is not present, the petition may be considered improperly filed and rejected.	
**If the L supplement is not submitted, the petition should be considered improperly filed and rejected.	

Section B - I-129S

Is the $500 Fraud Fee Required?

Is the petition an "initial" petition?	If yes, collect fee
Is the petition seeking a "change of employer" for the employee?	If yes, collect fee

Additional action required:

Annotate the I-129S at the top center page above the bold line in red ink or black ink highlighted in yellow as applicable:
$500 FRAUD FEE DOES APPLY
$500 FRAUD FEE DOES NOT APPLY

Is the $2,250 fee under P.L. 111-230 required?

Review Part IA Data Collection on the first page of the I-129S.	
Was the petitioner required to pay the Fraud Fee?	Yes/No
Did the petitioner answer yes to question 4a?	Yes/No
Did the petitioner answer yes to question 4b?	Yes/No

If the answer is yes to all of the above, the petitioner is required to pay the $2, 250 Fee
If the P.L. 111-230 fee is required, the I-129 must be accompanied by a check made payable to the Department of Homeland Security. If the $500 fee is not present, the petition may be considered improperly filed and rejected.

Section C - Other Processing

When reviewing Part 2 item 2, 'Basis for Classification', 'a' should **not** be marked when applying for a renewal from outside the U.S. If submitted documentation supports that the employee is seeking readmission after a previously approved L-1 petition, the CBP officer should change the form to 'b' and initial the I-129.
When 'b' is marked in Part 2 item 2, Part 2 item 4 should be marked as follows: *'a. Notify the office in Part 4 so each beneficiary can obtain a visa or be admitted.'*

When a fee is collected, the remarks block on the back of Form I-94 should be endorsed with the cash register receipt number and when appropriate, "**Fraud Fee Collected**" and or "**P.L. 111-230 Fee Collected**".