

**TABLE OF CHANGES  
FORM I-140  
08-28-2009**

| I-140<br>Form              | CURRENT VERSION  | PROPOSED VERSION   |
|----------------------------|--|--|
| <b>Page 1,<br/>Part 2.</b> | <p><b><i>This Petition is being filed for:</i></b> (Check one.)</p> <p>a. <input type="checkbox"/> An alien of extraordinary ability</p> <p>b. <input type="checkbox"/> An outstanding professor or researcher.</p> <p>c. <input type="checkbox"/> A multinational executive or manager.</p> <p>d. <input type="checkbox"/> A member of the professions holding an advanced degree or an alien of exceptional ability (who is NOT seeking a National Interest Waiver).</p> <p>e. <input type="checkbox"/> A professional (at a minimum, possessing a bachelor's degree or a foreign degree equivalent to a U.S. bachelor's degree) or a skilled worker (requiring at least two years of specialized training or experience).</p> <p>f. <input type="checkbox"/> (Reserved.)</p> <p>g. <input type="checkbox"/> Any other worker (requiring less than two years of training or experience).</p> <p>h. <input type="checkbox"/> Soviet Scientist.</p> <p>i. <input type="checkbox"/> An alien applying for a National Interest Waiver (who <b>IS</b> a member of the professions holding an advanced degree or an alien of exceptional ability).</p> | <p><b><i>This petition is being filed for:</i></b> (Check only <i>one box</i>)</p> <p>a. <input type="checkbox"/> An alien of extraordinary ability</p> <p>b. <input type="checkbox"/> An outstanding professor or researcher</p> <p>c. <input type="checkbox"/> A multinational executive or manager</p> <p>d. <input type="checkbox"/> A member of the professions holding an advanced degree or an alien of exceptional ability (who is NOT seeking a National Interest Waiver)</p> <p>e. <input type="checkbox"/> A professional (at a minimum, possessing a bachelor's degree or a foreign degree equivalent to a U.S. bachelor's degree)</p> <p>f. <input type="checkbox"/> <b>A skilled worker (requiring at least two years of specialized training or experience)</b></p> <p>g. <input type="checkbox"/> Any other worker (requiring less than two years of training or experience)</p> <p>h. <input type="checkbox"/> <b>(Reserved)</b></p> <p>i. <input type="checkbox"/> An alien applying for a National Interest Waiver (who <b>IS</b> a member of the professions holding an advanced degree or an alien of exceptional ability)</p> <p><b>Check below if this petition is being filed:</b></p> <p>1. <input type="checkbox"/> To amend a previously filed petition. Previous petition receipt number: _____</p> <p>2. <input type="checkbox"/> For the Schedule A, Group I designation</p> |

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**Page 1,  
Replace the  
current right  
column with  
a new right  
column.**

|   |                  |
|---|------------------|
| Returned  |                  |
| Date  |                  |
| Resubmitted   |                  |
| Date  |                  |
| Relocate Sent   |                  |
| Date  |                  |
| Relocate Rec'd  |                  |
| Date  |                  |
| Relocate Rec'd  |                  |
| Date  |                  |
| <b>Classification:</b><br><input type="checkbox"/> 203(b)(1)(A) Alien of extraordinary ability<br><input type="checkbox"/> 203(b)(1)(B) Outstanding Professor or Researcher<br><input type="checkbox"/> 203(b)(1)(C) Multi-National Executive or Manager<br><input type="checkbox"/> 203(b)(2) Member of Professions w/Adv. Degree or Exceptional Ability<br><input type="checkbox"/> 203(b)(3)(A)(i) Skilled Worker<br><input type="checkbox"/> 203(b)(1)(A)(ii) Professional<br><input type="checkbox"/> 203(b)(1)(A)(iii) Other Worker |                  |
| <b>Certification:</b><br><input type="checkbox"/> National Interest Waiver (NIW)<br><input type="checkbox"/> Schedule A, Group I<br><input type="checkbox"/> Schedule A, Group II   |                  |
| <b>Priority Date</b>  | <b>Consulate</b> |
| <b>Concurrent Filing:</b><br><input type="checkbox"/> <b>I-485 filed concurrently</b>   |                  |
| <b>Remarks</b>  |                  |
| <b>Action Block</b>   |                  |
| <b>To Be Completed by</b><br>Attorney or Representative, if any.<br><input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant.  |                  |
| ATTY State License #  |                  |

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|---|------------------|
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|   |                  |
|   |                  |
| <b>Classification:</b><br><input type="checkbox"/> 203(b)(1)(A) Alien of Extraordinary Ability<br><input type="checkbox"/> 203(b)(1)(B) Outstanding Professor or Researcher<br><input type="checkbox"/> 203(b)(1)(C) Multinational Executive or Manager<br><input type="checkbox"/> 203(b)(2) Member of Professions with Advanced Degree or Exceptional Ability<br><input type="checkbox"/> 203(b)(3)(A)(i) Skilled Worker<br><input type="checkbox"/> 203(b)(1)(A)(ii) Professional<br><input type="checkbox"/> 203(b)(1)(A)(iii) Other Worker |                  |
| <b>Certification:</b><br><input type="checkbox"/> National Interest Waiver (NIW)<br><input type="checkbox"/> Schedule A, Group I<br><input type="checkbox"/> Schedule A, Group II   |                  |
| <b>Priority Date</b>  | <b>Consulate</b> |
| <b>Remarks</b>  |                  |
| <b>Action Block</b>   |                  |

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|  |   |   |                               |                             |  |  |  |                     |                   |            |  |  |  |                  |                               |   |  |  |  |                     |                   |            |  |  |  |
|--|---|---|-------------------------------|-----------------------------|--|--|--|---------------------|-------------------|------------|--|--|--|------------------|-------------------------------|---|--|--|--|---------------------|-------------------|------------|--|--|--|
| <p><b>Page 2, Part 4, New Question 7 &amp; 8, Insert as follows:</b></p> | <p align="center"><b>CURRENT VERSION</b></p> <p>If you answered yes to any of these questions, please provide the case number, office location, date of decision and disposition of the decision on a separate sheet(s) of paper.</p> <hr/> <p align="center"><b>PROPOSED VERSION</b></p> <p>7. Is the petition being filed without an original labor certification because the original labor certification was previously submitted in support of another Form I-140? <span style="float:right;"><input type="checkbox"/> No <input type="checkbox"/> Yes – Attach an explanation</span></p> <p>8. Is the petition being filed without an original labor certification, are you requesting that USCIS request a duplicate labor certification from the Department of Labor? <span style="float:right;"><input type="checkbox"/> No <input type="checkbox"/> Yes – Attach an explanation</span></p> <p><b>If you answered “Yes” to any of questions 4 through 7, provide the case number, office location, date of decision, and disposition of the decision on a separate sheet of paper.</b></p>   |   |                               |                             |  |  |  |                     |                   |            |  |  |  |                  |                               |   |  |  |  |                     |                   |            |  |  |  |
| <p><b>Page 2, Part 5, Question 2, Replace as follows:</b></p>            | <p align="center"><b>CURRENT VERSION</b></p> <p>2. If a company, give the following:</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Type of Business</td> <td style="width:33%;">Date Established (mm/dd/yyyy)</td> <td style="width:34%;">Current Number of Employees</td> </tr> <tr> <td style="border: 1px solid black; height: 15px;"></td> <td style="border: 1px solid black; height: 15px;"></td> <td style="border: 1px solid black; height: 15px;"></td> </tr> <tr> <td>Gross Annual Income</td> <td>Net Annual Income</td> <td>NAICS Code</td> </tr> <tr> <td style="border: 1px solid black; height: 15px;"></td> <td style="border: 1px solid black; height: 15px;"></td> <td style="border: 1px solid black; height: 15px;"></td> </tr> </table> <hr/> <p>DOL/ETA Case Number <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px; vertical-align: middle;"></span></p> <hr/> <p><b>Proposed Version</b></p> <p>2. If a company, give the following:</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Type of Business</td> <td style="width:33%;">Date Established (mm/dd/yyyy)</td> <td style="width:34%;">Current Number of <b>U.S.</b> Employees</td> </tr> <tr> <td style="border: 1px solid black; height: 15px;"></td> <td style="border: 1px solid black; height: 15px;"></td> <td style="border: 1px solid black; height: 15px;"></td> </tr> <tr> <td>Gross Annual Income</td> <td>Net Annual Income</td> <td>NAICS Code</td> </tr> <tr> <td style="border: 1px solid black; height: 15px;"></td> <td style="border: 1px solid black; height: 15px;"></td> <td style="border: 1px solid black; height: 15px;"></td> </tr> </table> <hr/> <p>Labor Certification DOL/ETA Case Number <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px; vertical-align: middle;"></span></p> <p>Labor Certification DOL/ETA Filing Date (mm/dd/yyyy) <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px; vertical-align: middle;"></span></p> <p>Labor Certification Expiration Date ((mm/dd/yyyy)) <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px; vertical-align: middle;"></span></p> | Type of Business                        | Date Established (mm/dd/yyyy) | Current Number of Employees |  |  |  | Gross Annual Income | Net Annual Income | NAICS Code |  |  |  | Type of Business | Date Established (mm/dd/yyyy) | Current Number of <b>U.S.</b> Employees |  |  |  | Gross Annual Income | Net Annual Income | NAICS Code |  |  |  |
| Type of Business   | Date Established (mm/dd/yyyy)   | Current Number of Employees             |                               |                             |  |  |  |                     |                   |            |  |  |  |                  |                               |   |  |  |  |                     |                   |            |  |  |  |
|  |   |   |                               |                             |  |  |  |                     |                   |            |  |  |  |                  |                               |   |  |  |  |                     |                   |            |  |  |  |
| Gross Annual Income  | Net Annual Income   | NAICS Code                              |                               |                             |  |  |  |                     |                   |            |  |  |  |                  |                               |   |  |  |  |                     |                   |            |  |  |  |
|  |   |   |                               |                             |  |  |  |                     |                   |            |  |  |  |                  |                               |   |  |  |  |                     |                   |            |  |  |  |
| Type of Business   | Date Established (mm/dd/yyyy)   | Current Number of <b>U.S.</b> Employees |                               |                             |  |  |  |                     |                   |            |  |  |  |                  |                               |   |  |  |  |                     |                   |            |  |  |  |
|  |   |   |                               |                             |  |  |  |                     |                   |            |  |  |  |                  |                               |   |  |  |  |                     |                   |            |  |  |  |
| Gross Annual Income  | Net Annual Income   | NAICS Code                              |                               |                             |  |  |  |                     |                   |            |  |  |  |                  |                               |   |  |  |  |                     |                   |            |  |  |  |
|  |   |   |                               |                             |  |  |  |                     |                   |            |  |  |  |                  |                               |   |  |  |  |                     |                   |            |  |  |  |

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|---|--|
| <p><b>Page 2, Part 6, Question 4, Replace as follows:</b></p> | <p style="text-align: center;"><b>CURRENT VERSION</b></p> <hr/> <p>4. Address where the person will work if different from address in <b>Part 1</b>.</p> <div style="border: 1px solid black; height: 15px; width: 100%;"></div>   |
|   | <p style="text-align: center;"><b>PROPOSED VERSION</b></p> <hr/> <p>4. Address where the person will work if different from address in <b>Part 1</b>.</p> <p>City</p> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <p>State</p> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <p>Zip Code</p> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> |
| <p><b>Page 2, Part 6, Question 9</b></p>                      | <p style="text-align: center;"><b>CURRENT VERSION</b></p> <p><b>9. Wages per week</b></p> <div style="border: 1px solid black; padding: 2px;">\$</div> <p style="text-align: center;"><b>PROPOSED VERSION</b></p> <p>9. Wages: \$_____ per _____ (specify hour, week, month, or year)</p>  |

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**Page 3,  
Part 7**

**CURRENT VERSION**

**Part 7. Information on spouse and all children of the person for whom you are filing.**

List husband/wife and all children related to the individual for whom the petition is filed. Provide an attachment of additional family members, if needed.

| Name (First/Middle/Last) | Relationship | Date of Birth (mm/dd/yyyy) | Country of Birth |
|--------------------------|--------------|----------------------------|------------------|
|                          |              |                            |                  |
|                          |              |                            |                  |
|                          |              |                            |                  |
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|                          |              |                            |                  |

**PROPOSED VERSION**

**Part 7. Information on Spouse and All Children of the Person for Whom you are Filing**

List husband/wife and all children related to the individual for whom the petition is filed. Also, note if the individual will be applying for a visa abroad or for adjustment of status as the dependent of the individual for whom the petition is filed. Provide an attachment of additional family members, if needed.

| Name ( Last)               | Name ( First)    | Name (Middle)  | Relationship   |
|----------------------------|------------------|--|--|
|                            |                  |  |  |
| Date of Birth (mm/dd/yyyy) | Country of Birth | Applying for Adjustment of Status                        | Applying for a Visa Abroad                               |
|                            |                  | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |

{Repeat 5 more times}

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|  |  |
|--|--|
| <p><b>Page 3,<br/>Part 8,<br/>New Text,<br/>Insert as<br/>follows on<br/>the<br/>bottom of<br/>Part 8<br/>after<br/>“Print<br/>Name” &amp;<br/>“Date”:</b></p> | <p style="text-align: center;"><b>CURRENT VERSION</b></p> <p>I certify, under penalty of perjury under the laws of the United States of America, that this petition and the evidence submitted with it are all true and correct. I authorize U.S. Citizenship and Immigration Services to release to other government agencies any information from my USCIS records, if USCIS determines that such action is necessary to determine eligibility for the benefit sought.</p> <p style="text-align: center;"><b>PROPOSED VERSION</b></p> <p>I certify, under penalty of perjury under the laws of the United States of America, that this petition and the evidence submitted with it are all true and correct. I authorize U.S. Citizenship and Immigration Services (<b>USCIS</b>) to release to other government agencies any information from my USCIS records, if USCIS determines that such action is necessary to determine eligibility for the benefit sought.</p> <p><i>This is a request for new information.</i></p> |
|  | <p><u><b>New</b></u></p> <p><b>Job Title of Position with Petitioning Employer, If the Petition Is Being Filed by an Employer</b></p> <div style="border: 1px solid black; height: 20px; width: 500px;"></div>   |

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| <b>I-140<br/>Instructions</b>              | <b>CURRENT VERSION</b>   | <b>PROPOSED VERSION</b>   |
|--|--|---|
| <b>Page 1 – “Who May File Form I-140?”</b> | <p>An alien who, in the three years preceding the filing of this petition, has been employed for at least one year by a firm or corporation or other legal entity and who seeks to enter the United States to continue to render services to the same employer, or to a subsidiary or affiliate, in a capacity that is managerial or executive.</p> <p>In addition, a person may file this petition on his or her own behalf if he or she:</p> <ol style="list-style-type: none"> <li>1. Has extraordinary ability in the sciences, arts, education, business, or athletics demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field; or</li> <li>2. Is a member of the profession holding an advanced degree or is claiming exceptional ability in the sciences, arts, or business, and is seeking an exemption of the requirement of a job offer in the national interest (NIW).</li> </ol> | <p>An alien, who in the three years preceding the filing of this petition, has been employed <b>in a primarily managerial or executive capacity</b> for at least one year by a firm or corporation or other legal entity and who seeks to enter the United States to continue to render services to the same employer, or to a subsidiary or affiliate, in a capacity that is managerial or executive.</p> <p>In addition, any person, <b>employer, or third party</b> may file this petition on his or her own behalf if he or she <b>is:</b></p> <ol style="list-style-type: none"> <li>1. <b>An alien of extraordinary ability</b> in the sciences, arts, education, business, or athletics demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field; or</li> <li>2. A member of the profession holding an advanced degree or is claiming exceptional ability in the sciences, arts, or business, and is seeking an exemption of the requirement of a job offer in the national interest, <b>generally known as a “national interest waiver” or “NIW.”-</b></li> </ol> |

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|---|---|---|
| <p><b>Page 2 – 2. A U.S. employer filing for an outstanding professor or researcher must the petition with:</b></p> | <p><b>C.</b> If you are a university or other institution of higher education, a letter indicating that you intend to employ the beneficiary in a tenured or tenure-track position as a teacher or in a permanent position as a researcher in the academic field; or</p> <p><b>D.</b> If you are a private employer, a letter indicating that you intend to employ the beneficiary in a permanent research position in the academic field, and evidence that you employ at least three full-time researchers and have achieved documented accomplishments in the field.</p> | <p><b>C.</b> If you are a university or other institution of higher education, <b>an offer of employment in the form of a</b> letter indicating that you intend to employ the beneficiary in a tenured or tenure-track position as a teacher or in a permanent position as a researcher in the academic field; or</p> <p><b>D.</b> If you are a private employer, <b>an offer of employment in the form of a</b> letter indicating that you intend to employ the beneficiary in a permanent research position in the academic field, and evidence that you employ at least three full-time researchers and have achieved documented accomplishments in the field.</p> |
| <p><b>Page 3 – 4. A U.S. employer filing for a member of the professions with an advanced degree...</b></p>         | <p><b>4. A U.S. employer filing for a member of the professions with an advanced degree or a person with exceptional ability in the sciences, arts, or business must file the petition with:</b></p>  | <p><b>4. A U.S. employer (or any person, employer, or third party requesting a national interest waiver) who is filing for a member of the professions with an advanced degree or a person with exceptional ability in the sciences, arts, or business must file the petition with:</b></p>   |
| <p><b>Page 3, General Evidence<br/>1. Labor Certification</b></p>   | <p style="text-align: center;"><b>New Paragraph</b></p>   | <p><b>Please insert the following paragraph after the second paragraph in 1. Labor Certification:</b></p> <p><b>Effective July 16, 2007, all labor certifications expire 180 days from the date of certification. I-140 petitions based on</b></p>  |



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|   |                             |   |
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|   |                             | <p>approved labor certifications must be received by USCIS before the 180-day validity period has elapsed. In instances where the ending date of the labor certification’s validity period expires on a Saturday, Sunday or legal holiday, petitions will be accepted with the labor certification on the next business day. Petitions filed with expired labor certifications filed after the next business day will be rejected.</p>              |
| <p><b>Page 3, General Evidence<br/>2. Ability to Pay Wage</b></p>       | <p><b>New Paragraph</b></p> | <p><b>Please insert the following paragraph after the second paragraph in 2. Ability to Pay Wage:</b></p> <p>Note: The U.S. employer must show the ability to pay the proffered wage from the date of filing of the labor certification, or in cases where no labor certification is required, from the date of filing of the petition, also referred to as the priority date, until the alien beneficiary becomes a lawful permanent resident.</p> |
| <p><b>Page 4, after General Evidence<br/>2. Ability to Pay Wage</b></p> | <p><b>New Paragraph</b></p> | <p><b>Please insert the following paragraphs after the 2. Ability to Pay section of the instructions.</b></p> <p><b>Amended Petitions</b></p> <p>If this petition is being filed to amend a previously filed petition, then please check the box in Part 2 of the Form entitled “To</p>   |

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|   |                               |   |
|---|-------------------------------|---|
|   |                               | <p>Amend a Previously Filed Petition” and also provide the receipt number of the previously filed petition in the space provided for that information. This will assist USCIS in determining whether the petition may be accepted for filing and in the location of the previously filed petition for case matching purposes.</p> <p><b>Information on Spouse and All Children of the Person for Whom You are Filing</b></p> <p>Part 7 of the Form I-140 requests information about the dependent spouse and children of the alien beneficiary of the petition to assist in visa processing and in order for USCIS to better determine the demand for employment-based immigrant visas at the time of filing of the Form I-140 petition.</p> <p>Note: An annotation of a dependent’s intention to either apply for adjustment of status or for an immigrant visa abroad in Part 7 of the Form I-140 is not binding, but should reflect the dependent’s intent at the time of filing of the Form I-140 petition.</p> |
| <p><b>Page 4 under the General Evidence section, directly after</b></p> | <p><u><b>New Text</b></u></p> | <p><b>IRS Tax or Social Security Numbers</b></p> <p>With the exception of the Alien of</p>  |

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|---|---|---|
| <p><b>the new statements regarding “Information on Spouse and All Children of the Person for Whom You are Filing”.</b></p> <p>.</p> |   | <p>Extraordinary Ability (Part 2.a.) and National Interest Waiver (Part 2.i.) categories, all Form I-140 visa preference categories require a permanent job offer from a U.S. employer and Form I-140 must be filed by the U.S. employer. <b>All U.S. employers filing petitions in which a permanent job offer is required must have either an IRS Tax Number or a Social Security Number and must provide that 9 digit number in Part 1 of Form I-140, or Form I-140 will be rejected with a notice that Form I-140 is deficient.</b></p> |
| <p><b>Page 6 under “Processing Information; first paragraph</b></p>   | <p><b>Any Form I-140 that is not signed or accompanied by the correct fee will be rejected with a notice that the Form I-140 is deficient.</b> You may correct the deficiency and resubmit the Form I-140. An application or petition is not considered properly filed until accepted by USCIS.</p> | <p><b>Any Form I-140 that is not signed or accompanied by the correct fee will be rejected with a notice that Form I-140 is deficient.</b> You may correct the deficiency and resubmit Form I-140. An application or petition is not considered properly filed until accepted by USCIS.</p> <p><b>Note:</b> If the petitioner is an individual, that individual, or that individual’s legal guardian</p>  |

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|  |  | <p>if he or she is incompetent or under 14 years of age, must personally sign the petition. If the petitioner is a corporation or other legal entity, only an individual who is an officer or employee of the entity who has knowledge of the facts alleged in the petition, and who authority to sign documents on behalf of the entity, may sign the petition.</p> |
|--|--|--|