

**Instructions for I-140, Immigrant
Petition for Alien Worker****Instructions**

Read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

What Is the Purpose of This Form?

Form I-140 is used to petition U.S. Citizenship and Immigration Services (USCIS) for an immigrant visa based on employment.

Who May File Form I-140?

A U.S. employer may file this petition for:

1. An outstanding professor or researcher with at least three years of experience in teaching or research in the academic area, who is recognized internationally as outstanding:
 - A. In a tenured or tenure-track position at a university or institution of higher education to teach in the academic area; or
 - B. In a comparable position at a university or institution of higher education to conduct research in the area; or
 - C. In a comparable position to conduct research for a private employer that employs at least three persons in full-time research activities and which achieved documented accomplishments in an academic field.
2. An alien, who in the three years preceding the filing of this petition, has been employed in a primarily managerial or executive capacity 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.
3. A member of the professions holding an advanced degree or an alien with exceptional ability in the sciences, arts, or business who will substantially benefit the national economy, cultural or educational interests, or welfare of the United States.
4. A skilled worker (requiring at least two years of specialized training or experience in the skill) to perform labor for which qualified workers are not available in the United States.
5. A member of the professions with a baccalaureate degree.

6. An unskilled worker (requiring less than two years of specialized training or experience) to perform labor for which qualified workers are not available in the United States.

In addition, any employer, person, or third party may file this petition, including the alien beneficiary of the petition if the petition is being filed for:

1. An alien of extraordinary ability 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
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, generally known as a "national interest waiver" or "NIW."

General Instructions**Step 1. Fill Out Form I-140**

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "None."

Step 2. General Requirements**Initial Evidence****1. If you are filing for an alien of extraordinary ability in the sciences, arts, education, business, or athletics:**

You must file your petition with evidence that the alien has sustained national or international acclaim and that the achievements have been recognized in the field of expertise.

- A. Evidence of a one-time achievement (i.e., a major internationally recognized award); or

B. At least three of the following:

1. Receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
2. Membership in associations in the field, which require outstanding achievements as judged by recognized national or international experts;
3. Published material about the alien in professional or major trade publications or other major media;
4. Participation on a panel or individually as a judge of the work of others in the field or an allied field;
5. Original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;
6. Authorship of scholarly articles in the field in professional or major trade publications or other major media;
7. Display of the alien's work at artistic exhibitions or showcases;
8. Evidence that the alien has performed in a leading or critical role for organizations or establishments that have distinguished reputations;
9. Evidence that the alien has commanded a high salary or other high remuneration for services;
10. Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.

C. If the above standards do not readily apply to the alien's occupation, you may submit comparable evidence to establish the alien's eligibility; and

D. Evidence that the alien is coming to the United States to continue work in the area of expertise. Such evidence may include letter(s) from prospective employer(s), evidence of prearranged commitments such as contracts, or a statement from the alien detailing plans on how he or she intends to continue work in the United States.

2. A U.S. employer filing for an outstanding professor or researcher must file the petition with:

A. Evidence that the professor or researcher is recognized internationally as outstanding in the academic field specified in the petition. Such evidence shall consist of at least two of the following:

1. Receipt of major prizes or awards for outstanding achievement in the academic field;
2. Membership in associations in the academic field that require outstanding achievements of their members;
3. Published material in professional publications written by others about the alien's work in the academic field;
4. Participation on a panel, or individually, as the judge of the work of others in the same or an allied academic field;
5. Original scientific or scholarly research contributions to the academic field; or
6. Authorship of scholarly books or articles in scholarly journals with international circulation in the academic field.

B. Evidence the beneficiary has at least three years of experience in teaching and/or research in the academic field; and

C. If you are a university or other institution of higher education, an offer of employment in the form of 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

D. If you are a private employer, an offer of employment in the form of 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.

3. A U.S. employer filing for a multinational executive or manager must file the petition with a statement which demonstrates that:

A. If the worker is now employed outside the United States, he or she has been employed outside the United States for at least one year in the past three years in an executive or managerial capacity by the petitioner or by its parent, branch, subsidiary, or affiliate; or, if the worker is already employed in the United States, he or she was employed outside the United States for at least one year in the three years preceding admission as a nonimmigrant in an executive or managerial capacity by the petitioner or by its parent, branch, subsidiary, or affiliate;

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- B.** The prospective employer in the United States is the same employer or a subsidiary or affiliate of the firm or corporation or other legal entity by which the alien was employed abroad;
- C.** The prospective U.S. employer has been doing business for at least one year; and
- D.** The alien is to be employed in the United States in a managerial or executive capacity. A description of the duties to be performed should be included.
- 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:**
- A.** A labor certification (see "**General Evidence**"), or a request for a waiver of a job offer because the employment is deemed to be in the national interest, with documentation provided to show that the beneficiary's presence in the United States would be in the national interest; and either:
- 1.** An official academic record showing that the alien has a U.S. advanced degree or an equivalent foreign degree, or an official academic record showing that the alien has a U.S. baccalaureate degree or an equivalent foreign degree and letters from current or former employers showing that the alien has at least five years of progressive post baccalaureate experience in the specialty; or
 - 2.** At least three of the following:
 - a.** An official academic record showing that the alien has a degree, diploma, certificate, or similar award from an institution of learning relating to the area of exceptional ability;
 - b.** Letters from current or former employers showing that the alien has at least 10 years of full-time experience in the occupation for which he or she is being sought;
 - c.** A license to practice the profession or certification for a particular profession or occupation;
 - d.** Evidence that the alien has commanded a salary, or other remuneration for services that demonstrates exceptional ability;
 - e.** Evidence of membership in professional associations; or
- f.** Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.
- 3.** If the above standards do not readily apply to the alien's occupation, you may submit comparable evidence to establish the alien's eligibility.
- 5. A U.S. employer filing for a skilled worker must file the petition with:**
- A.** A labor certification (see "**General Evidence**"), and
 - B.** Evidence that the alien meets the educational, training, or experience and any other requirements of the labor certification (the minimum requirement is two years of training or experience).
- 6. A U.S. employer filing for a professional must file the petition with:**
- A.** A labor certification (see "**General Evidence**");
 - B.** Evidence that the alien holds a U.S. baccalaureate degree or equivalent foreign degree; and
 - C.** Evidence that a baccalaureate degree is required for entry into the occupation.
- 7. A U.S. employer filing for an unskilled worker must file the petition with:**
- A.** A labor certification (see "**General Evidence**"), and
 - B.** Evidence that the beneficiary meets any education, training, or experience requirements required in the labor certification.
- General Evidence**
- 1. Labor certification**
- Petitions for certain classifications must be filed with an **original** individual labor certification from the U.S. Department of Labor (DOL) or with documentation to establish that the alien qualifies for one of the shortage occupations designated in Group I or II of the DOL's Schedule A. If an individual labor certification is required, then the **original** individual labor certification must be submitted with the petition, unless the original labor certification has already been provided to USCIS in support of a different petition.
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A labor certification establishes that there are insufficient U.S. workers who are able, willing, qualified, and available to fill the position being offered to the alien at the time and place where the alien is to be employed, and that the employment of the alien, if qualified, will not adversely affect the wages and working conditions of similarly employed U.S. workers. Application for labor certification is currently made on Form ETA-9089. Labor certification applications filed before March 28, 2005, were filed on Form ETA-750. If the alien is to be employed in a Schedule A, Group I or II shortage occupation, then you may file a fully completed, uncertified Form ETA-9089 in duplicate with your petition for determination by USCIS that the alien belongs to the shortage occupation.

See 20 CFR 656 or the DOL Web site, <http://www.foreignlaborcert.doleta.gov>, for further information about obtaining an individual labor certification or about Schedule A, Group I or II shortage occupations.

Effective July 16, 2007, all labor certifications expire 180 days from the date of certification. Form I-140 petitions based on 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.

NOTE: Individual labor certifications issued by the DOL must be submitted in the **original**, unless the original labor certification has already been provided to USCIS in support of a different petition.

2. Ability to pay wage

Petitions which require job offers must be accompanied by evidence that the prospective U.S. employer has the ability to pay the proffered wage. Such evidence shall be in the form of copies of annual reports, Federal tax returns, or audited financial statements.

In a case where the prospective U.S. employer employs 100 or more workers, a statement from a financial officer of the organization that establishes ability to pay the wage may be submitted. In appropriate cases, additional evidence, such as profit/loss statements, bank account records, or personnel records, may be submitted.

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.

Amended Petitions

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 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.

Information on Spouse and All Children of the Person of the Person for Whom You Are Filing

Part 7 of 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.

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.

IRS Tax or Social Security Numbers

With the exception of the Alien of 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. **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.**

Translations

Any document containing a foreign language submitted to USCIS must be accompanied by a full English language translation that the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies

Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

NOTE: Individual labor certifications issued by the DOL must be submitted in the **original**, unless the original labor certification has already been provided to USCIS in support of a different petition.

Where To File?

Updated Filing Address Information

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-140 more than 30 days after the latest edition date shown in the lower right-hand corner, visit us online at www.uscis.gov before you file, and check the "Immigration Forms" page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-140 matches the edition date listed for Form I-140 on the online "Immigration Forms" page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call Customer Service at 1-800-375-5283 to verify the current filing address and edition date. **Improperly filed forms will be rejected and the fee returned with instructions to resubmit the entire filing using the current form instructions.**

E-Filing Form I-140

Certain Form I-140 filings may be electronically filed (e-filed) with USCIS. View our Web site at www.uscis.gov for a list of who is eligible to e-file this form and instructions.

Premium Processing

If you are requesting Premium Processing Services for Form I-140, you **must** also file Form I-907, Request for Premium Processing Service. Send Form I-140 and I-907 together to the address listed in the **Form I-907 filing instructions**. **NOTE:** Before you file the I-907/I-140 package, check the Premium Processing Service page, a link to which can be found on the "Services & Benefits" page on the USCIS Web site at www.uscis.gov to determine whether you may request Premium Processing for the requested classification.

Premium Processing Service for a Pending Form I-140

If you have already filed Form I-140 and you wish to request Premium Processing Service, file Form I-907 with the Service Center where your Form I-140 is pending. See Form I-907 for further instructions. Include a copy of Form I-797, Notice of Action, or a copy of the transfer notice, if applicable, showing the location of the relating petition. To ensure that Form I-907 is matched up with the pending Form I-140, you **must** fully answer questions 1 through 5 in Part 2 of Form I-907. If this information is not provided, Form I-907 will be rejected.

Processing Form I-140

Form I-140 is filed either at the Nebraska Service Center or the Texas Service Center, depending on the location of the beneficiary's permanent employment. Before you file, note the different filing addresses. Failure to follow these instructions may result in your application or petition being rejected, delayed, or denied.

Nebraska Service Center Filings

File Form I-140 with the Nebraska Service Center if the beneficiary will be employed permanently in:

Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.

For Form I-140 filed alone, mail the form to:

**USCIS Nebraska Service Center
P.O. Box 87140
Lincoln, NE 68501-7140**

For Form I-140 filed concurrently with Form I-485, Application to Register Permanent Residence or Adjust Status, mail your forms package to:

USCIS Nebraska Service Center
P.O. Box 87485
Lincoln, NE 68501-7485

Texas Service Center Filings

File Form I-140 with the Texas Service Center if the beneficiary will be employed permanently in:

Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, or West Virginia.

For Form I-140 filed alone, or concurrently with Form I-485, Application to Register Permanent Residence or Adjust Status, mail your forms package to:

USCIS Texas Service Center
P.O. Box 852135
Mesquite, TX 75185

Note on E-Filing

If you are e-filing this application, it will automatically be routed to the appropriate Service Center, and you will receive a receipt indicating the location to which it was routed. This location may not necessarily be the same center shown in the filing addresses listed above. For e-filed applications, it is very important to review your filing receipt and make specific note of the receiving location. All further communication, including submission of supporting documents, must be directed to the receiving location indicated on your e-filing receipt.

What Is the Filing Fee?

The filing fee for Form I-140 is **\$475**.

Use the following guidelines when you prepare your check or money order for the Form I-140 fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:

A. If you live in Guam, make it payable to Treasurer, Guam.

B. If you live in the U.S. Virgin Islands, make it payable to Commissioner of Finance of the Virgin Islands.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our Web site at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address online at **www.uscis.gov**. Click on "Change your address with USCIS" and follow the prompts, or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information

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. You may correct the deficiency and resubmit Form I-140. An application or petition is not considered properly filed until accepted by USCIS.

Note: If the petitioner is an individual, then that individual, or that individual's legal guardian 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 has authority to sign documents on behalf of the entity, may sign the petition.

Initial Processing

Once Form I-140 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-140.

Requests for More Information or Interview

We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision

The decision on a Form I-140 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

Meaning of Petition Approval

Approval of a petition means you have established that the person you are filling for is eligible for the requested classification.

This is the first step towards permanent residence. However, this does not in itself grant permanent residence or employment authorization. You will be given information about the requirements for the person to receive an immigrant visa or to adjust status after your petition is approved.

Instructions for Industry and Occupation Codes

NAICS Code

The North American Industry Classification System (NAICS) code can be obtained from the U.S. Department of Commerce, U.S. Census Bureau at (www.census.gov/epcd/www/naics.html). Enter the code from left to right, one digit in each of the six boxes. If you use a code that is less than six digits, enter the code left to right and then add zeros in the remaining unoccupied boxes.

The code sequence 33466 would be entered as:

3	3	4	6	6	0
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The code sequence 5133 would be entered as:

5	1	3	3	0	0
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SOC Code

The Standard Occupational Classification (SOC) System codes can be obtained from the U.S. Department of Labor, Bureau of Labor Statistics (<http://stats.bls.gov/soc/socguide.htm>). Enter the code from left to right, one digit in each of the six boxes. If you use a code which is less than six digits, enter the code left to right and then add zeros in the remaining unoccupied boxes.

The code sequence 19-1021 would be entered as:

1	9	—	1	0	2	1
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The code sequence 15-100 would be entered as:

1	5	—	1	0	0	0
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USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet Web site at www.uscis.gov.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our Web site. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-140, we will deny your Form I-140 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other Government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-140.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 60 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Products Division, 111 Massachusetts Avenue, N. W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0015. **Do not mail your application to this address.**