

TOC LOD Release 4
I-140, Immigrant Petition for Alien Worker
Filing Instructions
OMB Control Number 1615-0015
(Form I-140 dated 1/06/10 N)

Current Instructions	Proposed Instructions
<p>P. 1 General Instructions</p> <p>Step 2. General Requirements Initial Evidence</p> <p>1. If you are filing for an alien of extraordinary ability in the sciences, arts, education, business, or athletics:</p> <p>You must file your petition with evidence that the alien has sustained national.....</p> <p>2. A U.S. employer filing for an outstanding professor or researcher must file the petition with:...</p> <p>3. A U.S. employer filing for a multinational executive or manager must file the petition with a statement which demonstrates that: ...</p> <p>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:</p> <p>5. A U.S. employer filing for a skilled worker must file the petition with:</p> <p>6. A U.S. employer filing for a professional must file the petition with: A. A labor certification (See “General Evidence”); ...</p> <p>7. A U.S. employer filing for an unskilled worker must file the petition with: ...</p>	<p>General Instructions</p> <p>Step 2. General Requirements Initial Evidence</p> <p>1. If you are filing for an alien of extraordinary ability in the sciences, arts, education, business, or athletics (Page 1, Part 2. Petition Type, Box “a” on the form):</p> <p>You must attach evidence with your petition showing that the alien has sustained national.....</p> <p>2. A U.S. employer filing for an outstanding professor or researcher (Page 1, Part 2. Petition Type, Box “b” on the form) must file the petition with:...</p> <p>3. A U.S. employer filing for a multinational executive or manager (Page 1, Part 2, Petition Type, Box “c” on the form) must file the petition with a statement which demonstrates that: ...</p> <p>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 (Page 1, Part 2, Petition Type, Box “d,” for a petition filed by an employer with a Schedule A or individual labor certification, or “i,” for a petition that requests a national interest waiver on the form) must file the petition with:</p> <p>5. A U.S. employer filing for a professional (Page 1, Part 2, Petition Type, Box “e” on the form) must file the petition with: A. A labor certification (See “General Evidence” below) ...;</p> <p>6. A U.S. employer filing for a skilled worker (Page 1, Part 2, Petition Type, Box “f” on the form) must file the petition with:</p> <p>7. A U.S. employer filing for an unskilled worker (Page 1, Part 2, Petition Type, Box “g” on the form) must file the petition with: ...</p>

<p>P 4. Information on Spouse and All Children of the Person of the Person for Whom You Are Filing.</p>	<p>P 4. Information on Spouse and All Children of the Person for Whom You Are Filing.</p>
<p>P. 5 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 “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.</p>	<p>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 revised. If you are filing Form I-140 more than 30 days after the latest edition date shown in the lower right corner, visit the “FORMS” page of our Web site www.uscis.gov before you file. If the edition date on your Form I-140 matches the edition date listed for Form I-140 on the online “FORMS” page, your version is current. If the edition date on the online version is later, download a copy and use it. If you do not have Internet access, call the USCIS National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date.</p> <p>Please read the filing instructions carefully, as they recently changed.</p> <p>Improperly filed forms will be rejected and the fee returned with instructions to resubmit the entire filing using the current form instructions.</p>
<p>E-Filing Form I-140 Certain Form I-140 filings may be electronically filed (e-filed) with USCIS. View our website at www.uscis.gov for a list of who is eligible to e-file this form and instructions.</p>	<p>E-Filing Form I-140 Certain Form I-140 filings may be electronically filed (e-filed) with USCIS. View our Website at www.uscis.gov, “FORMS,” and click on the link “Forms Currently Available for e-Filing and Form-Specific e-Filing Instructions,” for information on who is eligible to e-file this form.</p> <p>If you are e-filing Form I-140, it will automatically be routed to the appropriate Service Center, and you will receive a receipt indicating the location to which it was routed. For e-filed petitions, it is very important to review your filing receipt and receipt number 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.</p>
<p>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 Forms I-140 and I-907 together to the address listed in the Form I-907 filing instructions. NOTE: Before you file the I-</p>	<p>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 Form I-907 together to the address listed in the Form I-907 filing instructions.</p>

<p>907/I-140 package, check the Premium Processing Service page, a link to which can be found on the “Services and Benefits” page on the USCIS Web site at www.uscis.gov to determine whether you may request Premium Processing for the requested classification.</p>	<p>NOTE: Before you file Forms I-907 and I-140 together, you must first determine whether you can request Premium Processing for the requested classification. To determine if the classification for which you are filing is eligible for Premium Processing, go to www.uscis.gov “FORMS.”</p>
<p>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.</p>	<p>Premium Processing Service for a Pending Form I-140 Petition 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 filing instructions for further information. You must include a copy of the Form I-797C, Notice of Action, which shows your Form I-140 was accepted, or a copy of the transfer notice, if applicable, showing the location of the Form I-140. 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.</p>
<p>Processing Form I-140 Form I-140s is filed at either 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.</p> <p>Nebraska Service Center Filings</p> <p>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.</p> <p>For Form I-140 filed alone, mail the form to:</p> <p>USCIS Nebraska Service Center P.O. box 87140 Lincoln, NE 68501-7140</p> <p>For Form I-140 filed concurrently with Form I-485, Application to Register Permanent Residence or Adjust Status, mail your forms package to:</p> <p>USCIS Nebraska Service Center</p>	<p>Processing Form I-140 Petition</p> <p>1. All Form I-140 Petitions, except those marked “F” in Part 2, Petition Type, filed alone or with Form I-485 (Application to Register Permanent Residence or Adjust Status), must be filed at the USCIS Dallas Lockbox facility. See addresses below. For Form I-140 Petitions marked “f” see number 2 below.</p> <p>Failure to follow these instructions may result in the rejection or delay of your petition or application.</p> <p>USCIS Dallas Lockbox</p> <p>For U.S. Postal Service:</p> <p>USCIS PO Box 660867 Dallas, TX 75266</p> <p>For Express mail and courier deliveries:</p> <p>USCIS Attn: AOS 2501 S. State Highway 121 Business Suite 400 Lewisville, TX 75067</p> <p>2. If Form I-140 is marked “f,” a skilled worker (requiring at least two years of specialized training or experience in the skill) the petition must be sent to either the USCIS Nebraska Service Center or the USCIS Texas Service Center, depending on the location of the beneficiary’s</p>

<p>P.O. Box 87485 Lincoln, NE 68501-7485</p> <p>Texas Service Center Filings</p> <p>File Form I-140 with the Texas Service Center if the beneficiary will be employed permanently in:</p> <p>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.</p> <p>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:</p> <p>USCIS Texas Service Center P.O. Box 852135 Mesquite, TX 75185</p>	<p>permanent employment. See addresses below.</p>		
	<p>If the location of the beneficiary's permanent employment will be in:</p> <p>Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, Guam, or the Commonwealth of the Northern Mariana Islands</p>	<p>And</p> <p>Form I-140 is filed alone:</p> <p>Form I-140 is filed with Form I-485:</p>	<p>Then file the petition at:</p> <p>USCIS Nebraska Service Center P.O. Box 87140 Lincoln, NE 68501-7140</p> <p>USCIS Nebraska Service Center P.O. Box 87485 Lincoln, NE 68501-7485</p>
	<p>Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, or West Virginia</p>	<p>Form I-140 is filed alone or with Form I-485</p>	<p>USCIS Texas Service Center P.O. Box 852135 Mesquite, TX 75185</p>
<p>E-Notification</p> <p>If you are filing Form I-140 at a USCIS Lockbox facility you may elect to receive email and/or text messages notifying you that your petition has been accepted. You must complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the first page</p>			

	<p>of your I-140 petition. To download a copy of Form G-1145, including the instructions, refer to www.uscis.gov "FORMS."</p>
<p>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.</p>	<p>(Moved to E-Filing paragraph above.)</p>
<p>P. 4 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.</p>	<p>Amended Petitions If this petition is being filed to amend a previously filed I-140 petition, then please check the box on page 1, Part 2.(1) of the I-140 Form, entitled "To Amend a Previously Filed Petition," and also provide the receipt number of the previously filed petition in the space provided. This will assist USCIS in determining whether the petition may be accepted for filing and the location of the previously filed petition for case matching purposes.</p>

TOC in regards to CNMI

<p>Page 2 Instructions Second column, Amend #3</p>	<p>**** 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</p>	<p>**** 3. A U.S. employer filing for a multinational executive or manager (Page 1, Part 2, Petition Type Box "c" on the form) 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</p>
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	<p>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;</p> <p>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;</p> <p>C. The prospective U.S. employer has been doing business for at least one year; and</p> <p>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.</p> <p>****</p>	<p>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;</p> <p>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;</p> <p>C. The prospective U.S. employer has been doing business for at least one year (or in the case of an employer in the Commonwealth of the Northern Mariana Islands, for at least one year or since the transition program effective date, November 28, 2009); and</p> <p>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.</p> <p><i>Special considerations applicable to the Commonwealth of Northern Mariana Islands (CNMI). The employer's statement must address the following, as applicable:</i></p> <ul style="list-style-type: none"> • Employment in the CNMI prior to November 28, 2009 will continue to be considered as employment <u>abroad</u> for a qualifying foreign organization; • Employers conducting business in the CNMI on or after November 28, 2009, may be considered U.S. employers for the purposes of filing this petition. Provided the petitioner has otherwise established eligibility for the benefit sought, the employee of a CNMI entity may be considered to have transferred from a foreign entity to a U.S. entity on November 28, 2009; • If the employer in the CNMI continues to meet the definition of "multinational" in that the qualifying entity, or its affiliate or subsidiary, conducts business in two or more countries, one of which is the United States, the CNMI employer may petition for
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		<p>qualifying employees who are currently employed in the CNMI as of November 28, 2009; and</p> <ul style="list-style-type: none">• A qualifying employee is an employee with at least 1 year of employment abroad in a managerial or executive capacity for the qualifying entity, or its affiliate or subsidiary, within the preceding 3 years. Therefore, if the 1 year of qualifying experience was gained exclusively from employment with the entity located in the CNMI within the 3 years immediately preceding the filing of the petition, it must have been completed on or before November 27, 2009.
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Implementing these changes:

The change in filing locations will take effect upon approval of the instructions by OMB.

The Special information for applicants residing in CNMI change will not take effect until the Final Rule, Application of Immigration Regulations to the Commonwealth of Northern Mariana Islands; RIN 1615-AB77, becomes effective.