

TABLE OF CHANGES – INSTRUCTIONS
Form I-140, Petition for Alien Worker
OMB Number: 1615-0015
11/17/2015

Reason for Revision: NPRM “Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers,” RIN 1615-AC05
 USCIS is revising the instructions to remove ambiguity regarding whether information about the principal beneficiary’s dependent family members should be entered on Form I-140, by revising the word “requests” to “requires” for clarification in the form instructions. USCIS is also revising the instructions to remove the terms “in duplicate” in the second paragraph under the labor certification section of the instructions because USCIS no longer requires uncertified ETAs to be submitted in duplicate.

Current Page Number and Section	Current Text	Proposed Text
Pages 2-4, General Requirements	<p>[Page 4]</p> <p>General Requirements</p> <p>...</p> <p>Information on Spouse and All Children of the Person for Whom You Are Filing</p> <p>Part 7. Information on Spouse and All Children of the Person for Whom You Are Filing, 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.</p> <p>...</p>	<p>[Page 4]</p> <p>General Requirements</p> <p>...</p> <p>Information on Spouse and All Children of the Person for Whom You Are Filing</p> <p>Part 7. Information on Spouse and All Children of the Person for Whom You Are Filing, of Form I-140 requires 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>...</p>
Page 5 General Evidence	<p>1. Labor certification</p> <p>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, or the</p>	<p>1. Labor certificate</p> <p>[no change]</p>

	<p>petitioner selects "Yes" for Item Number 8., Part 4., asking USCIS to request a duplicate original certification from the DOL.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>.....</p>	<p>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 with your petition for determination by USCIS that the alien belongs to the shortage occupation.</p> <p>[no change]</p> <p>[no change]</p>
<p>Pages 6-7, Where To File?</p>	<p>[Page 6]</p> <p>Where To File?</p>	<p>[Page 6]</p> <p>Where To File?</p>

	<p>Please see our Web site at www.uscis.gov/I-140 or call the USCIS National Customer Service Center at 1-800-375-5283 for the most current information about where to file this benefit request. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>E-Filing Form I-140</p> <p>Certain Form I-140 filings may be electronically filed (e-filed) with USCIS. View the USCIS Web site at www.uscis.gov "FORMS", and click on the link "File my Application Online (E-filing)," 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</p> <p>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. Do NOT send requests for Premium Processing to a USCIS Lockbox facility.</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>[Page 7]</p> <p>Premium Processing Service for a</p>	<p>[no change]</p> <p>[delete]</p> <p>[delete]</p> <p>[delete]</p> <p>[no change]</p> <p>[no change]</p>
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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. Do **NOT** send requests for Premium Processing to a USCIS Lockbox facility. You must include a copy of 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 Form I-140. To ensure that Form I-907 is matched up with the pending Form I-140, you **must** fully answer **Item Numbers 1. - 5. in Part 2.** of Form I-907. If this information is not provided, Form I-907 will be rejected.