

Immigrant Petition for Alien Worker

Purpose of This Form.

This form is used to petition for an immigrant based on employment.

Who May File.

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

- 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:
 - in a tenured or tenure-track position at a university or institution of higher education to teach in the academic area, or
 - in a comparable position at a university or institution of higher education to conduct research in the area, or
 - 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.
- 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 U.S. to continue to render services to the same employer, or to a subsidiary or affiliate, in a capacity that is managerial or executive.
- 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 U.S.
- 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 U.S.
- A member of the professions with a baccalaureate degree.
- 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 U.S.

In addition, a person may file this petition on his or her own behalf if he or she:

- 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
- 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).

General Filing Instructions.

Please answer all questions by typing or clearly printing in ink. Indicate that an item is not applicable with "N/A." If an answer to a question is "none," write "none." If you need extra space to answer any item, attach a sheet of paper with your name and your A#, if any, and indicate the number of the item to which the answer refers. You must file your petition with the required initial evidence. Your petition must be properly signed and filed with the correct fee.

Initial Evidence.

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 experience:

- Evidence of a one-time achievement (i.e., a major, internationally recognized award); or
- At least three of the following:
 - receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor,
 - membership in associations in the field which require outstanding achievements as judged by recognized national or international experts,
 - published material about the alien in professional or major trade publications or other major media,
 - participation on a panel or individually as a judge of the work of others in the field or an allied field,
 - original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field,
 - authorship of scholarly articles in the field, in professional or major trade publications or other major media,
 - display of the alien's work at artistic exhibitions or showcases,
 - evidence that the alien has performed in a leading or critical role for organizations or establishments that have distinguished reputations,
 - evidence that the alien has commanded a high salary or other high remuneration for services,
 - evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.
- 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

- Evidence that the alien is coming to the U.S. 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 his or her work in the U.S.

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

- 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:
 - receipt of major prizes or awards for outstanding achievement in the academic field,
 - membership in associations in the academic field, which require outstanding achievements of their members,
 - published material in professional publications written by others about the alien's work in the academic field,
 - participation on a panel, or individually, as the judge of the work of others in the same or an allied academic field,
 - original scientific or scholarly research contributions to the academic field, or
 - authorship of scholarly books or articles, in scholarly journals with international circulation, in the academic field.
- Evidence the beneficiary has at least three years of experience in teaching and/or research in the academic field; and
- 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
- 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.

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

- If the worker is now employed outside the U.S., that he or she has been employed outside the U.S. 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 U.S., that he or she was employed outside the U.S. 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;

- The prospective employer in the U.S. 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;
- The prospective U.S. employer has been doing business for at least one year; and
- The alien is to be employed in the U.S. in a managerial or executive capacity. A description of the duties to be performed should be included.

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:

- 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 U.S. would be in the national interest; and either:
 - 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 speciality; or
 - At least three of the following:
 - 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;
 - letters from current or former employers showing that the alien has at least ten years of full-time experience in the occupation for which he or she is being sought;
 - a license to practice the profession or certification for a particular profession or occupation;
 - evidence that the alien has commanded a salary, or other remuneration for services, which demonstrates exceptional ability;
 - evidence of membership in professional associations; or
 - evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.
- If the above standards do not readily apply to the alien's occupation, you may submit comparable evidence to establish the alien's eligibility.

A U.S. employer filing for a skilled worker must file the petition with:

- A labor certification (see GENERAL EVIDENCE);
- 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).

A U.S. employer filing for a professional must file the petition with:

- A labor certification (see GENERAL EVIDENCE);
- Evidence that the alien holds a U.S. baccalaureate degree or equivalent foreign degree; and
- Evidence that a baccalaureate degree is required for entry into the occupation.

A U.S. employer filing for an unskilled worker must file the petition with:

- A labor certification (see GENERAL EVIDENCE); and
- Evidence that the beneficiary meets any education, training, or experience requirements required in the labor certification.

General Evidence.

Labor certification. Petitions for certain classifications must be filed with a certification from the Department of Labor or with documentation to establish that the alien qualifies for one of the shortage occupations in the Department of Labor's Labor Market Information Pilot Program or for an occupation in Group I or II of the Department of Labor's Schedule A.

A certification establishes that there are not sufficient workers who are able, willing, qualified, and available at the time and place where the alien is to be employed and that employment of the alien, if qualified, will not adversely affect the wages and working conditions of similarly employed U.S. workers. Application for certification is made on Form ETA-750 and is filed at the local office of the State Employment Service. If the alien is in a shortage occupation, or for a Schedule A/Group I or II occupation, you may file a fully completed, uncertified Form ETA-750 in duplicate with your petition for determination by INS that the alien belongs to the shortage occupation.

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 which 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.

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

Copies. If these instructions state that a copy of a document may be filed with this petition and you choose to send us the original, we may keep that original for our records. Copies may be submitted of all documentation with the exception of the Labor Certification which **must** be submitted in the original.

Where to File.

File this petition at the INS service center with jurisdiction over the place where the alien will be employed.

If the alien's employment will be in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Oklahoma, Tennessee, or Texas, mail the petition to:

USINS Texas Service Center
P.O. Box 852135
Mesquite, TX 75185-2135

If the alien's employment will be in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, U.S. Virgin Islands, Virginia or West Virginia, mail the petition to:

USINS Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

If the alien's employment will be in Arizona, California, Guam, Hawaii or Nevada, mail the petition to:

USINS California Service Center
P.O. Box 10140
Laguna Niguel, CA 92607-1014

If the alien's employment will be in Alaska, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming, mail the petition to:

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

Fee.

The fee for this petition is \$135.00. The fee must be submitted in the exact amount. It cannot be refunded. **DO NOT MAIL CASH.** All checks and money orders must be drawn on a bank or other institution located in the United States and must be payable in United States currency. The check or money order should be made payable to the Immigration and Naturalization Service, except:

- If you live in Guam and are filing this application in Guam, make your check or money order payable to the "Treasurer, Guam."
- If you live in the U.S. Virgin Islands and are filing this application in the U.S. Virgin Islands, make your check or money order payable to the "Commissioner of Finance of the Virgin Islands."

Checks are accepted subject to collection. An uncollected check will render the application and any document issued invalid. A charge of \$30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

Processing Information.

Acceptance. Any petition that is not signed or is not accompanied by the correct fee will be rejected with a notice that it is deficient. You may correct the deficiency and resubmit the petition. However, a petition is not considered properly filed until accepted by INS. A priority date will not be assigned until the petition is properly filed.

Initial processing. Once the petition 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 the required initial evidence, you will not establish a basis for eligibility, and we may deny your petition.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at an INS 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. If you have established eligibility for the benefit requested, your petition will be approved. If you have not established eligibility, your petition will be denied. You will be notified in writing of the decision on your petition.

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 Department of Commerce, U.S. Census Bureau (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 which 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 Department of Labor, U.S. 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 15-1000 would be entered as:

1	5	—	1	0	0	0
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Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this petition, we will deny the benefit you are seeking 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 you are seeking. Our legal right to ask for this information is in 8 U.S.C. 1154. 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 request.

Paperwork Reduction Act Notice.

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. We try to create forms and instructions that are accurate, can easily be understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimate average time to complete and file this application is as follows: (1) 20 minutes to learn about the law and form; (2) 15 minutes to complete the form; and (3) 25 minutes to assemble and file the petition; for a total estimated average of 1 hour per petition. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to Immigration and Naturalization Service, HQPDI, 425 I Street, N.W., Room 4034, Washington, D.C. 20536; OMB No. 1115-0061. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

Immigrant Petition for Alien Worker

START HERE - Please Type or Print.

Part 1. Information about the person or organization filing this petition.

If an individual is filing, use the top name line. Organizations should use the second line.

Family Name	Given Name	Middle Initial
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Company or Organization

Address - Attn:

Street Number and Name	Room
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City	State or Province
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Country	Zip/Postal Code
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E-mail Address:

IRS Tax #	Social Security # (if any)
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Part 2. Petition type.

This petition is being filed for (check one)

- a. An alien of extraordinary ability
- b. An outstanding professor or researcher
- c. A multinational executive or manager
- d. A member of the professions holding an advanced degree or an alien of exceptional ability (who is **NOT** seeking a National Interest Waiver.)
- e. A skilled worker (requiring at least two years of specialized training or experience) or professional (Item F- no longer available)
- g. Any other worker (requiring less than two years of training or experience)
- i. An alien applying for a national interest waiver (who **IS** a member of the professions holding an advanced degree or an alien of exceptional ability)

Part 3. Information about the person you are filing for.

Family Name	Given Name	Middle Initial
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Address - C/O

Street # and Name	Apt. #
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City	State or Province
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Country	Zip/Postal Code
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E-mail Address:

Date of Birth (Month/Day/Year)	Country of Birth
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Social Security # (if any)	A # (if any)
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If in the U.S.	Date of Arrival (Month/Day/Year)	I-94 #
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Current Nonimmigrant Status	Expires on (Month/Day/Year)
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FOR INS USE ONLY

Receipt

Classification:

- 203(b)(1)(A) Alien of Extraordinary Ability
- 203(b)(1)(B) Outstanding Professor or Researcher
- 203(b)(1)(C) Multi-national executive or manager
- 203(b)(2) Member of professions w/adv. degree or exceptional ability
- 203(b)(3) (A) (i) Skilled Worker
- 203(b)(3) (A) (ii) Professional
- 203(b)(3) (A) (iii) Other worker

Certification:

- National Interest Waiver (NIW)
- Schedule A, Group I
- Schedule A, Group II

Priority Date

Consulate

Remarks

Action Block

Part 4. Processing Information.

Please complete the following for the person named in Part 3: (Check one)

- Alien will apply for a visa abroad at the American Consulate in: _____ City: _____ Foreign Country: _____
- Alien is in the United States and will apply for adjustment of status to that of lawful permanent resident.

Alien's Country of Nationality: _____

Alien's country of current residence or, if now in the U.S., last permanent residence abroad: _____

If you provided a U.S. address in Part 3, print the person's foreign address: _____

If the person's native alphabet is other than Roman letters, write the person's foreign name and address in the native alphabet: _____

- Are you filing any other petitions or applications with this one? No Yes-attach an explanation
- Is the person you are filing for in removal proceedings? No Yes-attach an explanation
- Has any immigrant visa petition ever been filed by or on behalf of this person? No Yes-attach an explanation

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 of paper.

Part 5. Additional information about the petitioner.

Type of petitioner (Check one).

- Employer Self Other (Explain, e.g., Permanent Resident, U.S. Citizen or any other person filing on behalf of the alien.)

If a company, give the following:

Type of business		NAICS Code: <input type="text"/>			
Date Established	Current # of employees	Gross Annual Income	Net Annual Income		

If an individual, give the following:

Occupation	Annual Income
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Part 6. Basic information about the proposed employment.

Job title	SOC Code: <input type="text"/> - <input type="text"/>
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Nontechnical description of job

Address where the person will work if different from address in Part 1. _____

- Is this a full-time position?: Yes No (hours per week _____) Wages per week \$ _____
- Is this a permanent position?: Yes No Is this a new position? Yes No

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

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

(Name)	(Relationship)	(Date of Birth)	(Country of Birth)

Part 8. Signature.

Read the information on penalties in the instructions before completing this section. If someone helped you prepare this petition, he or she must complete Part 9.

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 the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Petitioner's Signature

Print Name

Date

Daytime Telephone No.

E-mail Address:

Please Note: *If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested benefit and this petition may be denied.*

Part 9. Signature of person preparing form, if other than above. (Sign below)

I declare that I prepared this petition at the request of the above person and it is based on all information of which I have knowledge.

Signature

Print Name

Date

Daytime Telephone No.

Firm's Name
and Address

E-mail Address:

To Be Completed by Attorney or Representative, if any.

Fill in box if G-28 is attached to represent the petitioner.

VOLAG No.

ATTY State License No.

Attorney or Representative Signature:

Note: In the event of a Request for Evidence (RFE) may the INS contact you by Fax or E-mail: Yes No

Fax Number:

E-mail Address: