Immigrant Petition for Alien Worker

Purpose Of This Form.

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

Who May File.

Any person may file this petition on behalf of an alien who:

- 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.

A U.S. employer may file this petition who wishes to employ:

- an outstanding professor or researcher, with at least 3 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,
  - 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 who employs at least 3 persons in full-time research activities and has achieved documented accomplishments in an academic field;
- an alien who, in the 3 years preceding the filing of this petition, has been employed for at least 1 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 2 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; or
- an unskilled worker to perform labor for which qualified workers are not available in the U.S.

General Filing Instructions.

Please answer all questions by typing or clearly printing in black 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 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 a distinguished reputation,
  - evidence that the alien has commanded a high salary or other high remuneration for services, or
  - evidence of commercial successes in the performing arts, as shown by box office receipts or record, casette, 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 of at least 2 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 3 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 3 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 1 year in the past 3 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 1 year in the 3 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) 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 5 years of progressive post-baccalaureate experience in the specialty; or
- at least 3 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 10 years of full-time experience in the occupation for which he/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 2 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 its employee in Hong Kong must file its petition (on or before September 30 1993) with a statement that demonstrates that:

- the company is owned and organized in the United States;
- the employee is a resident of Hong Kong;
- the company, or its subsidiary or affiliate, is employing the person in Hong Kong and has been employing him or her there for the past 12 months, or the company, or its subsidiary or affiliate, is employing him or her outside of Hong Kong during a temporary absence (i.e., of limited duration), and he or she had been employed in Hong Kong for 12 consecutive months prior to such absence(s), and that such employment is, and for that period has been, as an officer or supervisor, or in a capacity that is executive, managerial or involves specialized knowledge;
- the company employs at least 100 employees in the U.S. and at least 50 employees outside the U.S. and has a gross annual income of at least $50,000,000; and
- the company intends to employ the person in the United States as an officer or supervisor, or in a capacity that is executive or managerial or involves specialized knowledge, with salary and benefits comparable to others with similar responsibilities and experience within the company. A specific job description is required for immediate immigration; a commitment to a qualifying job is required for deferred immigration.

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 from 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.

Where To File.

File this petition at the INS Service Center with jurisdiction over the place where the alien will be employed. If the employment will be in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland,
Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Vermont, the Virgin Islands, Virginia, or West Virginia, mail your petition to: USINS Eastern Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0140.

If the employment will be in Arizona, California, Guam, Hawaii, or Nevada, mail your petition to: USINS Western Service Center, P.O. Box 10140, Laguna Niguel, CA 92607-0140.

If the employment will be elsewhere in the U.S., mail your petition to: USINS Northern Service Center, P. O. Box 82521, Lincoln, NE 68501-2521.

Fee.

The fee for this petition is $115.00. 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 Virgin Islands, and are filing this application in the 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 the Service. 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 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 filing 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.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for 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 filing for. Our legal right to ask for this information is in 8 USC 11854. 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.

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 be easily understood, and which impose the least possible burden on you to provide us with information. Oftenthis is difficult because some immigration laws are very complex. The estimated 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) 45 minutes to assemble and file the petition; for a total estimated average of 1 hour and 20 minutes per petition. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, 425 I Street, N.W., Room 5307, Washington, D.C. 20536; OMB No. 1115-0061. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS**

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0061

Immigrant Petition for Alien Worker

START HERE - Please Type or Print

Part 1. Information about the person or organization filing this petition. If you are filing for yourself and do not want to use an alternate mailing address, skip this part and go to part 2.

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

Family Name	Given Name	Middle Initial
Company or Organization		

Address - Attn:

Street Number and Name	Room #
City	State or Province
Country	ZIP/Postal Code
IRS Tax #	Social Security #

Part 2. Petition Type.

1. This petiton 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
e. ☐ A skilled worker (requiring at least two years of specialized training or experience) or professional
f. ☐ Any other worker (requiring less than two years training or experience)
g. ☐ An employee of a U.S. business operating in Hong Kong
h. ☐ Soviet Scientist

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

Family Name	Given Name	Middle Initial
Address - C/O		
Street # and Name		Apt. #
City	State or Province	
Country		Zip or Postal Code
Date of Birth (Month/Day/Year)	Country of Birth	
Social Security # (if any)	A # (if any)	
If in the U.S. Date of Arrival (Month/Day/Year)	I-94#	
Current Nonimmigrant Status	Expires on (Month/Day/Year)	

Continued on back.

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
☐ Petitioner Interviewed ☐ Beneficiary Interviewed	

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 of exceptional ability
☐ 203(b)(3) (A) (i) Skilled worker
☐ 203(b)(3) (A) (ii) Professional
☐ 203(b)(3) (A) (iii) Other worker
☐ Sec. 124 IMMACT-Employee of U.S. business in Hong Kong

Certification:
Blanket Labor Certification
Schedule A, Group I
Schedule A, Group II

Priority Date	Consulate

Remarks

Action Block

To Be Completed by *Attorney* or *Representative*, if any
☐ Fill in box if G-28 is attached to represent the petitioner
VOLAG#
ATTY State License #

Part 4. Processing Information.

A. Check one:

☐ The person named in Part 3 is now in the U.S. and an application to adjust status to permanent resident is attached or will be filed in this petition is approved.

☐ If the Petition is approved, but the adjustment of status cannot be approved, send the petition to an American Consulate abroad, which the Department of State will identify based on the following information:

Country of Nationality of person named in Part 3:_____

Country of current residence or, if no in the U.S., last permanent residence abroad, of person named in part 3:_____

If you gave a U.S. address in Part 3, print the person's print the person's foreign address below.

Name:_____Address:_____

If your employee's native alphabet is other than Roman Letter, write the foreign 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 exclusion or deportation proceedings?	☐ No	☐ Yes -attach an explanation
Has an immigrant visa petition ever been filed by or on behalf of this person?	☐ No	☐ Yes -attach an explanation

Part 5. Additional information about the employer.

Type of petitioner *(check one)*

☐ Self ☐ Individual U.S. Citizen ☐ Company or organization

☐ Permanent Resident ☐ Other - explain_____

If a company, give the following:

Type of business

Date Established	Current # of employees	Gross Annual Income	Net Annual Income

If an individual, give the following:

Occupation

Annual Income

Part 6. Basic information about the proposed employment.

Job Title

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.

Provide an attachment listing the family members of the person you are filing for. Be sure to include their full name, relationship, date and country of birth, and present address.

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. ( )

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

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

I declare that I prepared this application 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 Name and Address