

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

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), 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?**

This form is used to petition U.S. Citizenship and Immigration Services (USCIS) for an immigrant visa based on employment.

**Who May File This 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 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, a person may file this petition on his or her own behalf if he or she:

1. 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
2. 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 Instructions.****Step 1. Fill Out the 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, which 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, 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, 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, that 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, that 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;
- 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 United States 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 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 ten 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, which 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 a certification from the U.S. 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 the USCIS that the alien belongs to the shortage occupation.

**START HERE - Please type or print in black ink.**

**For USCIS Use Only**

**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 (Last Name)           | Given Name (First Name)         | Full Middle Name        |
| <input type="text"/>              | <input type="text"/>            | <input type="text"/>    |
| Company or Organization Name      |                                 |                         |
| <input type="text"/>              |                                 |                         |
| Address: (Street Number and Name) |                                 | Suite #                 |
| <input type="text"/>              |                                 | <input type="text"/>    |
| Attn:                             |                                 |                         |
| <input type="text"/>              |                                 |                         |
| City                              | State/Province                  |                         |
| <input type="text"/>              | <input type="text"/>            |                         |
| Country                           | Zip/Postal Code                 |                         |
| <input type="text"/>              | <input type="text"/>            |                         |
| IRS Tax #                         | U.S. Social Security # (if any) | E-Mail Address (if any) |
| <input type="text"/>              | <input type="text"/>            | <input type="text"/>    |

**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 professional (at a minimum, possessing a bachelor's degree or a foreign degree equivalent to a U.S. bachelor's degree) or a skilled worker (requiring at least two years of specialized training or experience).
- f.  (Reserved.)
- g.  Any other worker (requiring less than two years of training or experience).
- h.  Soviet Scientist.
- 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 (Last Name)                   | Given Name (First Name) | Full Middle Name                |
| <input type="text"/>                      | <input type="text"/>    | <input type="text"/>            |
| Address: (Street Number and Name)         |                         | Apt. #                          |
| <input type="text"/>                      |                         | <input type="text"/>            |
| C/O: (In Care Of)                         |                         |                                 |
| <input type="text"/>                      |                         |                                 |
| City                                      | State/Province          |                                 |
| <input type="text"/>                      | <input type="text"/>    |                                 |
| Country                                   | Zip/Postal Code         | E-Mail Address (if any)         |
| <input type="text"/>                      | <input type="text"/>    | <input type="text"/>            |
| Daytime Phone # (with area/country codes) |                         | Date of Birth (mm/dd/yyyy)      |
| <input type="text"/>                      |                         | <input type="text"/>            |
| City/Town/Village of Birth                | State/Province of Birth | Country of Birth                |
| <input type="text"/>                      | <input type="text"/>    | <input type="text"/>            |
| Country of Nationality/Citizenship        | A # (if any)            | U.S. Social Security # (if any) |
| <input type="text"/>                      | <input type="text"/>    | <input type="text"/>            |

|                       |                              |                                     |
|-----------------------|------------------------------|-------------------------------------|
| <b>If in the U.S.</b> | Date of Arrival (mm/dd/yyyy) | I-94 # (Arrival/Departure Document) |
|                       | <input type="text"/>         | <input type="text"/>                |
|                       | Current Nonimmigrant Status  | Date Status Expires (mm/dd/yyyy)    |
|                       | <input type="text"/>         | <input type="text"/>                |

|             |         |
|-------------|---------|
| Returned    | Receipt |
| Date        |         |
| Date        |         |
| Resubmitted |         |
| Date        |         |
| Date        |         |
| Reloc Sent  |         |
| Date        |         |
| Date        |         |
| Reloc Rec'd |         |
| Date        |         |
| Date        |         |

**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

|                      |                      |
|----------------------|----------------------|
| <b>Priority Date</b> | <b>Consulate</b>     |
| <input type="text"/> | <input type="text"/> |

**Concurrent Filing:**

I-485 filed concurrently.

**Remarks**

**Action Block**

**To Be Completed by Attorney or Representative, if any.**

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

ATTY State License #



**Part 4. Processing Information.**

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

Alien will apply for a visa abroad at the American Embassy or Consulate at:

|                      |                      |
|----------------------|----------------------|
| City                 | Foreign Country      |
| <input type="text"/> | <input type="text"/> |

Alien is in the United States and will apply for adjustment of status to that of lawful permanent resident.

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

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

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

4. Are any other petition(s) or application(s) being filed with this Form I-140?

|                             |   |                                     |   |
|-----------------------------|---|-------------------------------------|---|
| <input type="checkbox"/> No | <input type="checkbox"/> Yes-(check all that apply) | <input type="checkbox"/> Form I-485 | <input type="checkbox"/> Form I-765                     |
|                             |   | <input type="checkbox"/> Form I-131 | <input type="checkbox"/> Other - Attach an explanation. |

5. Is the person you are filing for in removal proceedings?

|                             |   |
|-----------------------------|---|
| <input type="checkbox"/> No | <input type="checkbox"/> Yes-Attach an explanation. |
|-----------------------------|---|

6. Has any immigrant visa petition ever been filed by or on behalf of this person?

|                             |   |
|-----------------------------|---|
| <input type="checkbox"/> No | <input type="checkbox"/> 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(s) of paper.

**Part 5. Additional information about the petitioner.**

1. 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.)

2. If a company, give the following:

|                      |                               |                             |
|----------------------|-------------------------------|-----------------------------|
| Type of Business     | Date Established (mm/dd/yyyy) | Current Number of Employees |
| <input type="text"/> | <input type="text"/>          | <input type="text"/>        |
| Gross Annual Income  | Net Annual Income             | NAICS Code                  |
| <input type="text"/> | <input type="text"/>          | <input type="text"/>        |
| DOL/ETA Case Number  | <input type="text"/>          |                             |

3. If an individual, give the following:

|                      |                      |
|----------------------|----------------------|
| Occupation           | Annual Income        |
| <input type="text"/> | <input type="text"/> |

**Part 6. Basic information about the proposed employment.**

1. Job Title

2. SOC Code

|                      |                      |                      |                      |                      |                      |                      |                      |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|

3. Nontechnical Description of Job

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

5. Is this a full-time position?

Yes     No

6. If the answer to **Number 5** is "No," how many hours per week for the position?

7. Is this a permanent position?

Yes     No

8. Is this a new position?

Yes     No

9. Wages per week

\$

---

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

---

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 (First/Middle/Last) | Relationship | Date of Birth (mm/dd/yyyy) | 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 U.S. Citizenship and Immigration Services to release to other government agencies any information from my USCIS (or former INS) records, if USCIS determines that such action is necessary to determine eligibility for the benefit sought.

**Petitioner's Signature** **Daytime Phone Number (Area/Country Codes)** **E-Mail Address**

**Print Name** **Date (mm/dd/yyyy)**

**NOTE:** *If you do not fully complete this form or fail to submit the required documents listed in the instructions, a final decision on your petition may be delayed or the 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.

**Attorney or Representative:** In the event of a Request for Evidence (RFE), may the USCIS contact you by Fax or E-mail?  Yes  No

**Signature** **Print Name** **Date (mm/dd/yyyy)**

**Firm Name and Address**

**Daytime Phone Number (Area/Country Codes)** **Fax Number (Area/Country Codes)** **E-Mail Address**