

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 in 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 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 job 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, 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.

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 alien is outside the U.S., he/she has been employed outside the U.S. for at least 1 year in the past 3 years in a managerial or executive capacity by a firm or corporation or other legal entity, or by its affiliate or subsidiary; or
- .if the alien is already in the U.S. working for the same employer, or a subsidiary or affiliate of the firm or corporation or other legal entity, by which the alien was employed abroad, he/she was employed by the entity abroad in a managerial or executive capacity for at least one year in the 3 years preceding his/her entry as a nonimmigrant;
 - .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 and describing the duties to be performed.

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); and requirement is 2 years of training or experience).

.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 occupation.

A U.S. employer filing for its employee in Hong Kong must file its petition 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, 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 deterred 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 AI 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.

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 05479-0001.

If the employment will be in Arizona, California, Guam, Hawaii, or Nevada, mail your petition to: USINS Western Service Center, P.O. Box 30040, Laguna Niguel, CA 92607-0040.

If the employment will be elsewhere in the U.S., mail your petition to: USINS Northern Service Center, 100 Centennial Mall North, Room, B-26, Lincoln, NE 68508.

Fee.

The fee for this petition is \$70.00. 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 that:

.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 \$5.00 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.

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. Often this 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 both the Immigration and Naturalization Service, 425 I Street, N.W., Room 5304, Washington, D.C. 20536; and the Office of Management and Budget, Paperwork Reduction Project, OMB No. 1115-0061, Washington, D.C. 20503.