

Rutgers, The State University of New Jersey

**Instructions For Preparing Employment-Based Preference Petition and Attachments Based on  
an Approved Permanent Alien Labor Certification**

( Please submit all documents in original plus one photocopy of each)

1. **Form I-140:** download and print from USCIS website at <http://www.uscis.gov/files/form/i-140.pdf>  
*One original only* plus \$580 filing fee in the form of a university check payable to "Dept. of Homeland Security." (See attached sample. In part 2, check box "d.")
2. Attach to the form a check or money order for \$580\* made out to "Dept of Homeland Security" (in RIAS). **NOTE:** for the "vendor address" in RIAS, put: "USCIS Texas Service Center Mesquite, TX 75185"
3. **Form I-907:** This form is optional and only necessary if you are seeking "Premium Processing" service to expedite the processing of form I-140. For an additional \$1225 USCIS guarantees a response in 15 days from the date USCIS receives the I-140 petition. Please note, the \$1225 fee is not the University's responsibility. Form I-907 is downloadable at: <http://www.uscis.gov/files/form/i-907.pdf> (Please check with the Newark Coordinator for eligibility to use this service)
4. Enclose a letter from the chairperson to "U.S Citizenship and Immigration Services, Texas Service Center, Mesquite TX 75185." The letter must include confirmation of a permanent job offer, job title and responsibilities, qualifications for the job and current salary. Remember that these must be exactly the same job title, responsibilities and job qualifications which were listed on the PERM labor certification application (as noted on the "Notice of Filing Permanent Alien Labor Certification"). The only acceptable change to the position is that the salary may be higher now than at the time you filed the PERM. (*Submit original and one photocopy*).
5. Attach a recent CV and evidence of whatever degrees, credentials and/or qualifications that were listed as "required" on your PERM labor certification advertisement. **Do not submit original diplomas or documents at this time; submit only your original certified and/or translated notarized copies (as explained below) plus one photocopy of each document.**

**Certify copies:** All photocopies submitted as evidence of your credentials must contain the following notation with your signature and the date: "*Copies of documents submitted are exact photocopies of unaltered original documents and I understand that I may be required to submit original documents to an immigration or consular official at a later date.*"

**Translate foreign language documents:** All foreign language documents must be accompanied by a certified translation. A certified translation is one on which the translator has written. “I certify that I am competent in both English and \_\_\_\_\_ languages and that this is a true and accurate translation of the attached document.” The translator then signs and dates this statement in the presence of a **notary public**, who then notarizes the signature.

6. Hand deliver everything to the Office of the Newark Coordinator for International Faculty. USCIS’s response time fluctuates, but it is currently about 6 months or longer.

7. To shorten delays caused by excessive USCIS backlogs, the USCIS currently allows aliens whose **priority dates** are current (see explanation below) to file any or all of the forms listed below if they choose to. The forms may be filed at any time after the employer has received from the USCIS a “Notice of Receipt” for the I-140 petition it filed on the alien’s behalf; the Newark Coordinator generally gets receipts about 3 weeks after mailing g the I-140 petition to USCIS. **Note:** If the alien chooses to file any of the forms listed below, he or she must submit them to USCIS with a photocopy of the employer’s “*Notice of Receipt*” of the I-140 petition, available from the Office of the Newark Coordinator for International Faculty.

- **I-485**, Application for Permanent Residence (for alien, alien’s spouse, an children under 21). Filing fee is currently \$1070\* per I-485 submitted. Once filed, the dependents cannot travel abroad without “Advance Parole” until the green card is approved. The form is available online at <http://www.uscis.gov/files/form/i-485.pdf>
- **I-131**, Application for “Advance Parole.” Permits each approved alien to travel abroad while I-485 is pending at USCIS. Filing fee is currently \$360\* per I-131. The form is available online at <http://www.uscis.gov/files/form/i-131.pdf>
- **I-765**, Application for Employment Authorization (currently \$380 fee\*). Permits unrestricted employment authorization for those with pending I-485 applications for 12 months at a time, or until I-485 application is adjudicated. The form is available online at <http://www.uscis.gov/files/form/i-765.pdf>

All three forms are the alien's (not Rutgers') applications, and as such Rutgers is not legally authorized to advise on them. Many Rutgers-sponsored employees have found the forms simple enough to file without assistance; others have chosen to hire (and pay for) an immigration attorney to assist. Either way, please note that there are both *advantages and risks* to filing the above forms.

**Explanation of "Priority Dates": Individuals are NOT permitted to file the "green card" application (Form I-485 or any of the other forms (I-131 or I-765) until their "priority date" is "current."**

A "priority date" is similar to a place in line – you first have to reach the front of the line in order to obtain what you have been standing in line for. Similarly, an individual's "priority date" (place in line) must be "current" (front of line) in order for him or her to be eligible to file the I-485 application. Alien's are assigned a "priority date" (place in line) based on a number of factors, including what category I-140 was filed an what the alien's country of birth is.

Since USCIS's I-485 backlogs are so great, it is very common for a "priority date" to become Current before the I-140 (employer's petition) is even approved, and thus, if an alien filed an I-485 shortly after the Newark Coordinator's Office received its I-140 receipt notice, the I-485 could very possibly be approved concurrently with or very shortly after Rutgers Receives the I-140 approval on the case.

However, when there are more green card applicants from specific countries than there are permanent visas allotted to that country, that country's allotment is considered "oversubscribed" and individuals from those countries must "wait in line" for their priority date to become current.

To determine your own "priority date" check information updated each month by the State Department on the internet at [http://travel.state.gov/visa/bulletin/bulletin\\_1360.html](http://travel.state.gov/visa/bulletin/bulletin_1360.html) – Look for "Employment Based" visas, 2<sup>nd</sup> category." Unless your country of birth is specifically mentioned, the date you want is the "worldwide" date (sometimes called "all chargeability areas").

Important Note: At some point after your preference petition has been approved, you will receive a letter from the National Visa Center (Portsmouth, NH) requesting you notify that center as to whether you will "adjust status" at a local USCIS office or, instead, apply for the permanent visa at the U.S. embassy or consulate in your home country. You should make this decision carefully.

\* Department of Homeland Security filing fees and forms have recently changed (and they do change frequently) – the alien should obtain the most current version of each form via the links provided earlier in this document or by visiting the USCIS website at <http://www.uscis.gov>

Revised February 2013



Department of Homeland Security  
 U.S. Citizenship and Immigration Services

USCIS  
 Form I-140  
 OMB No. 1615-0015  
 Expires 03/31/2016

For USCIS Use Only	Fee Stamp	Priority Date	Consulate	Action Block
	Classification <input type="checkbox"/> 203(b)(1)(A) Alien of Extraordinary Ability <input type="checkbox"/> 203(b)(1)(B) Outstanding Professor or Researcher <input type="checkbox"/> 203(b)(1)(C) Multinational Executive or Manager <input type="checkbox"/> 203(b)(2) Member of Professions with Advanced Degree/Exceptional Ability <input type="checkbox"/> 203(b)(3)(A)(i) Skilled Worker <input type="checkbox"/> 203(b)(3)(A)(ii) Professional <input type="checkbox"/> 203(b)(3)(A)(iii) Other Worker		Certification <input type="checkbox"/> National Interest Waiver (NIW) <input type="checkbox"/> Schedule A, Group I <input type="checkbox"/> Schedule A, Group II	
Remarks				

▶ **START HERE - Type or print in black ink.**

**Part 1. Information About the Person or Organization Filing This Petition** (If an individual is filing, use numbers 1.a. - 1.c. If a Company or Organization is filing, use number 2.)

1.a. Family Name (Last Name)   
 1.b. Given Name (First Name)   
 1.c. Middle Name   
 2. Company or Organization Name

**Mailing Address**

5.a. In Care of Name  
  
 5.b. Street Number and Name  
  
 5.c. Apt.  Ste.  Flr.    
 5.d. City or Town  
  
 5.e. State  NJ  5.f. Zip Code   
 5.g. Postal Code   
 5.h. Province   
 5.i. Country

**Other Information**

3. IRS Tax Number  
 must be 9 digits; no dashes ▶   
 4. U.S. Social Security Number (if any)  
 must be 9 digits; no dashes ▶

**Part 2. Petition Type**

This petition is being filed for: (Select only one box):

- 1.a.  An alien of extraordinary ability.
- 1.b.  An outstanding professor or researcher.
- 1.c.  A multinational executive or manager.
- 1.d.  A member of the professions holding an advanced degree or an alien of exceptional ability (who is NOT seeking a National Interest Waiver).
- 1.e.  A professional (at a minimum, possessing a bachelor's degree or a foreign degree equivalent to a U.S. bachelor's degree).
- 1.f.  A skilled worker (requiring at least 2 years of specialized training or experience).

- 1.g.  Any other worker (requiring less than 2 years of training or experience).
- 1.h.  (Reserved)
- 1.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).

Check below if this petition is being filed:

- 2.a.  To amend a previously filed petition.  
 Previous Petition Receipt Number:  
 ▶
- 2.b.  For the Schedule A, Group I or II designation.

Part 3. Information About the Person for Whom You Are Filing

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

9. Country of Citizenship

10. Country of Nationality

11. Alien Registration Number (A-Number)

Mailing Address

2.a. In Care of Name

2.b. Street Number and Name

2.c. Apt.  Ste.  Flr.

2.d. City or Town

2.e. State      2.f. Zip Code

2.g. Postal Code

2.h. Province

2.i. Country

12. U.S. Social Security Number (if any) must be 9 digits; no dashes

If in the United States, please provide the following (complete all sections, as applicable):

13. Date of Arrival (mm/dd/yyyy)  Most recent

14.a. I-94 Arrival-Departure Record Number :  Most Recent

14.b. Passport Number

14.c. Travel Document Number

14.d. Country of Issuance for Passport or Travel Document

14.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

15. Current Nonimmigrant Status

16. Date Status Expires: (mm/dd/yyyy)

Please provide copy of I-94 Card & H-1B Approval Notice

Other Information

3. E-mail Address (if any)

4. Daytime Phone Number (  )  -

5. Date of Birth (mm/dd/yyyy)

6. City/Town/Village of Birth

7. State/Province of Birth

8. Country of Birth

Complete with the foreign national information

Part 4. Processing Information

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

1.a.  Alien will apply for a visa abroad at a U.S. Embassy or consulate at:  
 City or Town   
 Country

1.b.  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 United States, last country of permanent residence abroad.

Part 4. Processing Information (continued)

If you provided a United States address in Part 3, provide the person's foreign address:

2.a. Street Number and Name

2.b. Apt.  Ste.  Flr.

2.c. City or Town

2.d. Postal Code

2.e. Province

2.f. Country

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

3.a. Family Name (Last Name)

3.b. Given Name (First Name)

3.c. Middle Name

Mailing Address

3.d. Street Number and Name

3.e. Apt.  Ste.  Flr.

3.f. City or Town

3.g. Postal Code

3.h. Province

3.i. Country

4. Are any other petition(s) or application(s) being filed with this Form I-140?  Yes  No

If you answered "Yes," check any applicable boxes:

Form I-485

Form I-131

Form I-765

Other-Attach an explanation

5. Is the person for whom you are filing in removal proceedings?  Yes - Attach an explanation  No

6. Has any immigrant visa petition ever been filed by or on behalf of this person?  Yes - Attach an explanation  No

7. Is the petition being filed without an original labor certification because the original labor certification was previously submitted in support of another Form I-140?  Yes - Attach an explanation  No

8. If the petition is being filed without an original labor certification, are you requesting that USCIS request a duplicate labor certification from the Department of Labor?  Yes - Attach an explanation  No

If you answered "Yes" to any of questions 4 through 8, provide the case number, office location, date of decision, and disposition of the decision on a separate sheet of paper.

Ask foreign National questions 2a - 3i

Part 5. Additional Information About the Petitioner

Type of petitioner (Select only one box):

1.a.  Employer

1.b.  Self

1.c.  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:

2.a. Type of Business

2.b. Date Established (mm/dd/yyyy)

2.c. Current Number of U.S. Employees

2.d. Gross Annual Income

2.e. Net Annual Income

2.f. NAICS Code

2.g. Labor Certification DOL/ETA Case Number

Leave blank

**Part 5. Additional Information About the Petitioner (continued)**

2.h. Labor Certification DOL/ETA Filing Date  
(mm/dd/yyyy) ▶

2.i. Labor Certification Expiration Date  
(mm/dd/yyyy) ▶

If an individual, give following:

3.a. Occupation

3.b. Annual Income

**Part 6. Basic Information About the Proposed Employment**

Complete this Section

1. Job Title

2. SOC Code ▶  -

3. Nontechnical Description of Job

4. Is this a full-time position?  Yes  No

5. If the answer to Number 4 is "No," how many hours per week for the position?

6. Is this a permanent position?  Yes  No

7. Is this a new position?  Yes  No

8. Wages: \$  per   
(Specify hour, week, month, or year)

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

9.a. Street Number and Name

9.b. Apt.  Ste.  Flr.

9.c. City or Town

9.d. State   9.e. Zip Code

**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. Also, note if the individual will be applying for a visa abroad or for adjustment of status as the dependent of the individual for whom the petition is filed. Provide an attachment of additional family members, if needed.

Ask the foreign national to provide information

**Person 1**

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

1.d. Date of Birth (mm/dd/yyyy) ▶

1.e. Country of Birth

1.f. Relationship

1.g. Applying for Adjustment of Status?  Yes  No

1.h. Applying for Visa Abroad?  Yes  No

**Person 2**

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

2.d. Date of Birth (mm/dd/yyyy) ▶

2.e. Country of Birth

2.f. Relationship

2.g. Applying for Adjustment of Status?  Yes  No

2.h. Applying for Visa Abroad?  Yes  No



Part 7. Information on Spouse and All Children of the Person for Whom You Are Filing (continued)

Person 3

- 3.a. Family Name (Last Name)
- 3.b. Given Name (First Name)
- 3.c. Middle Name
- 3.d. Date of Birth (mm/dd/yyyy) ▶
- 3.e. Country of Birth
- 3.f. Relationship
- 3.g. Applying for Adjustment of Status?  Yes  No
- 3.h. Applying for Visa Abroad?  Yes  No

Person 5

- 5.a. Family Name (Last Name)
- 5.b. Given Name (First Name)
- 5.c. Middle Name
- 5.d. Date of Birth (mm/dd/yyyy) ▶
- 5.e. Country of Birth
- 5.f. Relationship
- 5.g. Applying for Adjustment of Status?  Yes  No
- 5.h. Applying for Visa Abroad?  Yes  No

Person 4

- 4.a. Family Name (Last Name)
- 4.b. Given Name (First Name)
- 4.c. Middle Name
- 4.d. Date of Birth (mm/dd/yyyy) ▶
- 4.e. Country of Birth
- 4.f. Relationship
- 4.g. Applying for Adjustment of Status?  Yes  No
- 4.h. Applying for Visa Abroad?  Yes  No

Person 6

- 6.a. Family Name (Last Name)
- 6.b. Given Name (First Name)
- 6.c. Middle Name
- 6.d. Date of Birth (mm/dd/yyyy) ▶
- 6.e. Country of Birth
- 6.f. Relationship
- 6.g. Applying for Adjustment of Status?  Yes  No
- 6.h. Applying for Visa Abroad?  Yes  No

Part 8. Signature of Petitioner

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 (USCIS) to release to other government agencies any information from my USCIS records, if USCIS determines that such action is necessary to determine eligibility for the benefit sought.

- 1.a. Signature of Petitioner
- 1.b. Date of Signature (mm/dd/yyyy) ▶

- 2. Daytime Phone Number (  )  -
- 3. Mobile Phone Number (  )  -
- 4. E-mail Address (if any)
- 5. Job Title of Position with Petitioning Employer, If the Petition Is Being Filed by an Employer

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.

