

## **Nebraska Service Center FILING TIPS**

Nebraska Service Center supervisors and managers were asked to identify common deficiencies of newly submitted cases. From the responses, we have developed these filing tips. Before submitting your application or petition packet, we recommend you review this list to increase the likelihood of your case(s) being processed without delay. Nothing in these Filing Tips should be construed to contradict the law, regulations or official policy documents. Moreover, these tips are not complete filing instructions. Be sure to follow the instructions on the form or that accompany the form.

### **GENERAL TIPS**

- 1) Answer all questions on the form. If a question does not apply, enter “Not Applicable” (or the abbreviation “N.A.”) or “None” (e.g., Forms I-130), whichever is more appropriate.
- 2) Check the correct box indicating the benefit you are seeking.
- 3) Provide evidence supporting any change in the name of record (See Addendum Item 4).
- 4) Provide a certified translation of any foreign language document.
- 5) Provide a clarification of any anomalies (e.g., your situation is not covered by the available benefit options).
- 6) When submitting multiple forms, each form must have its own set of evidence.

### **Form I-90, Application to Replace Permanent Resident Card**

Be sure the form is signed by the applicant (the person wanting the new Form I-551). Also be sure to provide

- 1) A photo identity document (See Addendum Item 1).
- 2) Two color photographs (See Addendum Item 2).
- 3) Evidence of the applicant’s date of birth.
- 4) Evidence of the applicant's country of birth.
- 5) Evidence of lawful permanent resident (LPR) status or change of LPR status (e.g., Conditional Residents (CRs) to Immediate Relatives (IRs)) (See Addendum Item 3.)
- 6) A properly completed Form I-89 (signed by both the applicant and the Applicant Support Center or District Office) and fingerprint of the applicant.

### **Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Document**

Be sure the form is signed by the applicant (the person wanting the new Form I-94). Also be sure to provide:

- 1) Evidence of the applicant’s date of birth.
- 2) Evidence of the applicant's country of birth.
- 3) Evidence of applicant’s status (See Addendum Item 3).

### **Form I-129F, Petition for Alien Fiancé(e)**

Be sure the form is signed by the petitioner (the U.S. citizen wanting to bring his/her intended spouse into the U.S.). Also be sure:

- 1) Both the petitioner and the beneficiary (the alien fiancé(e)) have completed and signed their own Form G-325.
- 2) To provide evidence that the petitioner and the beneficiary have met in each other's physical presence within the last two years OR, evidence that demonstrates why they are prevented from meeting.
- 3) To provide evidence that all prior marriages for both the petitioner and the beneficiary have been terminated prior to the petition being filed.

### **Form I-129, Petition for a Nonimmigrant Worker**

Be sure the form is signed by the petitioner (the U.S. entity that intends to employ the alien). The tips below are for initial classification of a non-immigrant worker. If the petition is for change from another non-immigrant classification, also provide evidence of the status from which the alien wishes to change and s/he has properly maintained that status. If the petition is for extension of stay in the same classification, provide evidence that the alien has been properly maintaining status (See Addendum Item 3).

#### **For H1B1 Classification, be sure to provide:**

- 1) ETA Form 9035, Labor Condition Application for H-1B Non-immigrants (LCA), and a list of other petitions for which the LCA has been used.
- 2) Evidence the position qualifies as a specialty occupation. The job description should specify the duties to be performed by the beneficiary.
- 3) Evidence the beneficiary qualifies to perform the duties of the proffered position. Copies of the beneficiary's transcript(s) should be submitted when available.
- 4) The dates of the beneficiary's time in the U.S. as an H and/or L non-immigrant.

#### **For H2A Classification, be sure to provide:**

- 1) Evidence that verifies the beneficiary's name and date of birth (See Addendum Item 4).
- 2) Evidence that the beneficiary has met the minimum job and education requirements as listed on the ETA Form 750, Application for Alien Employment Certification.
- 3) When the petitioner is utilizing an agent, the supplemental form must be signed by both the petitioner and the agent.

#### **For H2B Classification, be sure:**

Filings for unnamed beneficiaries include a letter explaining why petitioner is unable to name the beneficiaries. The explanation should include a description of what recruitment efforts were made while the ETA Form 750 was pending at the Department of Labor.

Also be sure to provide:

- 1) The original ETA Form 750, Application for Alien Employment Certification.

- 2) Evidence that each beneficiary meets the requirements on the ETA Form 750.
- 3) Evidence that the proffered position meets one of the four definitions of temporary employment (see 8 CFR 214.2(h)(6)(ii)(B)).
- 4) Evidence that verifies the name and date of birth of each beneficiary (See Addendum Item 4).

**For H3 Classification, be sure to provide:**

- 1) Evidence of a detailed/structured training program.
- 2) Documentation to establish the percentage of time that the beneficiary will devote to productive employment.
- 3) Evidence of the supervisors' and/or trainers' qualifications.

**For L Classification, be sure to provide:**

- 1) Evidence of a qualifying relationship between the U.S. entity and the foreign entity.
- 2) Where the petitioner is a new U.S. business entity, documentation to establish that it has legal authority (e.g., licenses or permits) to sell its particular products or render its particular services outside the foreign country and in the U.S.
- 3) Where the U.S. business entity has been established for more than one year, documentation to demonstrate that it is "doing business" as defined in the regulations.
- 4) Detailed description of job duties.  
Organizational Charts showing the beneficiary's positions in the foreign and U.S. organizations (this is not required when the basis of the petition is specialized knowledge).
- 5) Evidence that the petitioner has secured physical premises in which it will do business.
- 6) The dates of the beneficiary's time in the U.S. as an H and/or L nonimmigrant.

**For O Classification, be sure to provide:**

- 1) Evidence of a contract between the petitioner and beneficiary or summary of a verbal contract.
- 2) The beneficiary's itinerary.
- 3) Evidence that the beneficiary is an alien of extraordinary ability or meets the level of distinction as specified. (It is not sufficient solely to establish that the beneficiary has published, won prizes, etc. The significance of the accomplishment must be established. Who presented the award, what was the pool of potential winners, and how the selection was made, are all typical questions that must be answered when establishing that an individual is of extraordinary ability.)

**For P Classification, be sure to provide:**

- 1) Labor consultation letter.
- 2) Evidence of a contract between the beneficiary and petitioner.
- 3) The beneficiary's itinerary.
- 4) Evidence that the beneficiary is nationally or internationally-renowned.

**For Q Classification, be sure to provide evidence that**

- 1) The cultural component is designed to give an overview of the customs of the beneficiary's country of nationality.
- 2) The beneficiary's employment will take place in a public setting with direct interaction with the American public.

**For R-1 Classification, be sure to provide:**

- 1) Evidence that the petitioner is tax exempt under the Internal Revenue Code, Sections 501(c)(3), 509(a)(1) and 170(b)(1)(A)(i), as they relate to religious organizations.
- 2) Evidence to establish the religious category (e.g., minister, religious professional, religious vocation, religious occupation, etc.) under which classification is being sought.
- 3) When the petition is filed on behalf of a minister, a copy of the certificate of ordination and a letter from the petitioner stating that the beneficiary can perform ministerial duties.
- 4) When the petition is filed on behalf of a monk, nun, brother, etc., evidence to establish the date the beneficiary took his/her oath or was blessed or sanctioned within the religious body.
- 5) Evidence to establish that the proffered position is a traditional religious function.
- 6) Evidence of the claimed affiliation between the petitioner and the foreign religious organization where the beneficiary was previously employed.
- 7) A detailed listing of the routine, day-to-day duties the beneficiary has performed and will perform for the religious organization(s) identified.
- 8) Evidence of the means and amount of the beneficiary's financial support (only when documents state that beneficiary will not be earning a salary).
- 9) Evidence of beneficiary's status (See Addendum Item 3.)

**For TN Classification, be sure to provide:**

- 1) Evidence of the beneficiary's citizenship in Canada or Mexico.
- 2) Evidence of the beneficiary's status (*See Addendum Item 3*).
- 3) Copies of the beneficiary's licenses - for nurses especially.
- 4) A detailed job description - especially for management consultants, scientific technologists/technicians and computer systems analysts.
- 5) Evidence that the proffered position is on the list of professional occupations in Appendix 1603.D.1 of the North American Free Trade Agreement (NAFTA).

**Form I-130, Petition for Alien Relative**

Be sure the form is signed by the petitioner (the U.S. citizen or lawful permanent resident (LPR)). Also be sure:

- 1) To provide evidence of petitioner's status (See Addendum Item 3.)
- 2) To provide evidence of the relationship between the petitioner and the beneficiary (e.g., birth certificate or marriage certificate).

- (a) When a father is petitioning for a child, provide evidence that the father was married to the mother OR evidence of a bona fide parent-child relationship.
  - (b) If petitioning for a sibling and you do not have the same mother, provide evidence that your common father was married to each mother, or that a bona fide parent-child relationship existed between each sibling and the father (this is not required if the sibling is from a country where all children are considered legitimate at birth).
- 3) When the petition is filed for a spouse, both the petitioner and the beneficiary sign their own Form G-325.
  - 4) When the petition is filed for a spouse, to provide two color photographs each of the petitioner and beneficiary (See Addendum Item 2).
  - 5) When the petitioner is a step-parent, to provide evidence of the termination of any prior marriages for the beneficiary's natural parents.
  - 6) When the petitioner is an adoptive parent, to provide evidence that the petitioner and beneficiary resided together for two years **prior** to filing the petition.

**Form I-131, Application for Travel Document:**

Be sure the form is signed by the applicant (the person for whom the travel document is being requested). Also:

**For A Reentry Permit (Block 2(a)) or a Refugee Travel Document (Block 2(b) or 2(c)), provide:**

- 1) A photo identity document (see Addendum Item 1).
- 2) Two color photographs (see Addendum Item 2).
- 3) Evidence of the applicant's status (see Addendum Item 3).

**For Advance Parole under the Haitian Refugee Immigration Fairness Act (HRIFA) (Block "2(f)):**

If the dependent outside the United States was not claimed on prior immigration-related documents, provide an explanation for the omission. Also provide:

- 1) An original Haitian birth or marriage certificate from the National Archives. If the event was not registered with the National Archives, a non-availability certificate from the National Archives must be submitted. Along with the non-availability certificate, secondary evidence such as local registrations, baptismal records or school records must be submitted. Secondary evidence should have been created at about the same time as the event it documents.
- 2) Two color photographs (*see Addendum Item 2*).
- 3) For a dependent child, evidence of a parent-child relationship between the person who filed the I-485 and the person for whom Advance Parole is being requested.
- 4) Copies of Forms I-485 and G-325 that the dependent will submit with his/her I-485.
- 5) The address and telephone number in Haiti where the dependent can be contacted by the American Consulate in Haiti when it is time for issuance of the advance

parole document.

**NOTE:** Non-HRIFA applicants who mark block "2(f)", must file their application directly with the Office of International Affairs at the address shown in the instructions to the Form 131, Application for Travel Document.

**For Advance Parole (filed with the Form I-485 or has Form I-485 pending), be sure to provide:**

- 1) A photo identity document (See Addendum Item 1).
- 2) Two color photographs (*See Addendum Item 2*).
  - (a) If the document is for the principal alien (the I-140 beneficiary), evidence that a Form I-140 has been filed or approved (i.e., receipt number/receipt notice or approval notice issued by this Service).
  - (b) If the document is for a spouse or dependent of the principal alien, evidence of a pending or approved Form I-140 filed by or on behalf of the principal alien along with the principal alien's A-number and evidence of the spouse's or dependent's relationship to the principal alien.
  - (c) Evidence of the applicant's status (See Addendum Item 3).

#### **Form I-140, Immigrant Petition for Alien Worker**

Be sure the form is signed by the U.S. employer seeking to employ the beneficiary of the I-140 petition, or the "self-petitioning" alien claiming eligibility in:

- 1) Class E11 (item "A" part 2 of the form), OR
- 2) Class E21 (item "I" Part 2 of the form), applying for a national interest waiver of the labor certification. Also

**For an Alien of Extraordinary Ability (E11 Classification)(Block A) Provide evidence:**

- 1) That the beneficiary is coming to the United States to continue work in his/her field of expertise.
- 2) That the beneficiary meets at least three of the ten regulatory criteria listed in the Form I-140 instructions, and as required by law. (See the Immigrant Classifications and Visa Categories page of this internet site for the current statutory and regulatory citations.)
  - a) Where the beneficiary received an award, evidence that the beneficiary's award is nationally or internationally recognized. Evidence should include the criteria for the award. Where evidence of several awards is submitted, it is helpful to list the awards in descending order of prominence.
  - b) Where the beneficiary is a member of a professional association, evidence that the association requires outstanding achievements of its members. Evidence should establish that membership has been judged by national or international experts; should establish membership criteria; and should

include the beneficiary's membership category, e.g., lifetime, honorary, voting, associate.

- c) Where the beneficiary conducts research, copies of published material *about* the beneficiary and relating to the beneficiary's work in major trade publications or the media. Evidence that the beneficiary's research has been cited within the footnotes of another publication does not necessarily establish extraordinary ability. Likewise, demonstration that the beneficiary is a published author is equally insufficient unless the evidence demonstrates that his/her discoveries are significant when compared to other researchers who are similarly engaged.
- d) Where the beneficiary's salary is submitted as evidence, documentation to show that the beneficiary's proffered salary is commensurate with that of an alien of extraordinary ability.
- e) Where internet web site printouts are submitted to establish the alien's eligibility, the full address of the site(s) must be provided to facilitate data verification.

NOTE: The evidence must establish that the individual is one of that small percentage who have risen to the very top of the field of endeavor. Many aliens and petitioners underestimate how high this standard is.

**For an Outstanding Professor/Researcher (E12 Classification)(Block B), Provide evidence:**

- 1) That the proffered position is a permanent position. (Note: A position that is not a tenured or tenure-track position, or one that is renewable on an annual basis or contingent upon the availability of research funding may not be considered to be a permanent position. Also, employment offers that indicate an employee may be terminated for "good cause" must be accompanied by the hiring institution's policy criterion that provides an inclusive definition of the term "good cause.")
- 2) That the beneficiary meets at least two of the six regulatory criteria listed in the Form I-140 Instructions, and as required by regulation. (See the Immigrant Classifications and Visa Categories page of this internet site for the current statutory and regulatory citations.)
  - a) Where the beneficiary has received an award, evidence of the beneficiary's receipt of major prizes or awards for outstanding achievement in the field. Evidence should include the criteria for the award. Where evidence of several awards is submitted, it is helpful to list the awards in descending order of prominence.
  - b) Where the beneficiary is a member of a professional association, evidence that the association requires outstanding achievements of its members. Evidence should establish membership criteria, and should include the beneficiary's membership category (e.g., lifetime, honorary, voting, associate).
  - c) Where the beneficiary conducts research, submit copies of published material about the beneficiary in major trade publications or the media. Evidence that the beneficiary's research has been cited within the

footnotes of another publication does not necessarily establish the beneficiary as an outstanding professor or researcher.

**For a Multinational Executive or Manager (E13 Classification) (Block C), Provide evidence:**

- 1) That the petitioner has been "doing business" (as defined in the regulations) for at least one year.
- 2) Demonstrating that the beneficiary is and/or will be primarily engaged in performing executive or managerial level duties and was doing so for at least one year abroad within the qualifying time period.
- 3) Demonstrating the qualifying corporate relationship between the beneficiary's foreign and U.S. employers.

**For a Member of the Professions holding an Advanced Degree (E21 Classification) (Block D), provide:**

- 1) Evidence demonstrating the petitioner's ability to pay the proffered wage. If the beneficiary previously worked or is currently working for the petitioner, as identified on the ETA 750, Part B, submit W-2 wage-earning statements for periods worked and a copy of the most recent pay voucher.
- 2) Evidence that the position requires a worker with a U.S. **advanced degree** or a **foreign equivalent degree**; or a bachelor's **degree** or foreign equivalent **degree** with five years of progressive, post-baccalaureate experience in the specialty.
  - (a) When the petition is filed on behalf of a physician, provide evidence of Educational Commission for Foreign Medical Graduates (ECFMG) certification, that physician passed the Federation Licensing Examination (FLEX) or United States Medical Licensing Examination (USMLE) (all three steps), and/or evidence of a current license to practice medicine in the state of intended employment (when licensure is identified as a requirement on the labor certification).
  - (b) When the position requires a Master's or Doctorate degree, provide evidence to show that the beneficiary has met all financial obligations to the University. When the beneficiary does not yet possess the diploma, provide evidence that he/she has completed all of the requirements, including his/her thesis or dissertation.
- 3) The original and certified Form ETA 750 (when the petitioner is not seeking a national interest waiver).
- 4) Evidence that the beneficiary meets the requirements specified on the Form ETA 750.
- 5) Evidence of the beneficiary's qualifications:
  - (a) Where an affidavit is submitted attesting to the beneficiary's work-related experience, include the affiant's current address and telephone number.



- (b) Where licensure is required, evidence that the beneficiary possesses a current license to practice the profession within the state of intended employment.

**For an Alien of Exceptional Ability (E21 Classification), be sure to provide:**

- 1) **The original** ETA Form 750, Application for Alien Employment Certification, or sufficient evidence for alien to qualify for a waiver of the labor certification in the national interest. (See "National Interest Waivers-Other Professionals" below).
- 2) Evidence that the beneficiary meets the requirements specified on Form ETA 750.
- 3) Evidence that the beneficiary meets at least three of the six criteria required by law. (See the Immigration Classifications and Visa Categories page of this internet site for the current statutory and regulatory citations.)

**For a doctor under the National Interest Waiver Program (E21 Classification), be sure to provide:**

- 1) A completed ETA Form 750, Part B, **in duplicate**.
- 2) Evidence that the beneficiary has certification from the Educational Commission for Foreign Medical Graduates (ECFMG) and has passed the Federation Licensing Examination (FLEX) or United States Medical Licensing Examination (USMLE)(all three steps).
- 3) A copy of the Form I-797 approval notice that authorized the beneficiary's change of status to that of an H-1B nonimmigrant worker.
- 4) A copy of the attestation from the state Department of Public Health dated within six months **prior to** the petition's filing date stating that the beneficiary's employment is/will be in the public interest and performed in a designated Health Professional Shortage Area.
- 5) A copy of the employment contract executed within six months prior to the petition's filing date where the beneficiary agrees to work the required five-year period of practice necessary to receive the desired benefit.
- 6) Where the beneficiary was subject to Section 212 (e) of the Immigration and Nationality Act, as amended, evidence that the beneficiary has received a waiver of the two-year foreign residence requirement **and** a copy of the United States Information Agency (USIA) or Department of State letter that recommended waiver of the two-year foreign residence requirement.
- 7) Evidence that the beneficiary has a current license to practice medicine in the state of intended employment.

**For an "Other Professional" under the National Interest Waiver Program (E21 Classification), be sure to provide:**

- 1) Evidence that the beneficiary's impact upon the field will be national in scope.
- 2) Evidence that the beneficiary seeks employment in an area of substantial intrinsic merit.

- 3) Evidence that the alien will serve the national interest to a substantially greater degree than would an available U.S. worker having the same minimum qualifications.
- 4) Evidence that the beneficiary's qualifications exceed that of aliens who seek to qualify as aliens of exceptional ability.

A completed ETA Form 750, Part B, **in duplicate**

**For a Schedule A, Group I Alien (E21, E31, E32 Classification), be sure to provide:**

(Note: Schedule A, Group 1 is required for nurses and physical therapists.)

- 1) Evidence of petitioner's ability to pay the proffered wage. If the beneficiary is currently working or has previously been under the petitioner's employ, as identified on the ETA 750, Part B, submit W-2 statement(s) for periods worked and a copy of the beneficiary's most recent pay voucher.
- 2) A fully executed, uncertified, completed ETA Form 750 (Parts A and B), Application for Alien Employment Certification, **in duplicate**.
- 3) evidence that the petitioner posted the required notice **and** that the notice was posted **prior to** the petition's filing date, or that the appropriate labor union was notified.
- 4) Where the petition is filed on behalf of a nurse, evidence that the beneficiary has passed the Commission on Graduates of Foreign Nursing Schools (CGFNS) examination, that the beneficiary holds a full and unrestricted (permanent) license to practice professional nursing in the state of intended employment, or evidence in the form of a certified letter from the state of intended employment that confirms the beneficiary has passed the NCLEX-RN examination and is eligible to be issued a license to practice nursing in that state upon their arrival to the United States.
- 5) Where the petition is filed on behalf of a physical therapist, a letter or statement signed by an authorized State physical therapy licensing official in the State of intended employment, stating that the alien is qualified to take that State's written licensing examination for physical therapists, or evidence that he/she has a full and unrestricted license to practice physical therapy in the state of intended employment.

Also, special provisions exist under Schedule A for shearers. Specific requirements may be found at 20 CFR 656.21a(b).

**For a Schedule A, Group II Alien (E21 Classification), be sure to provide:**

- 1) Evidence that the beneficiary meets at least two of the seven regulatory criteria listed in 20 CFR 656.22(d).
- 2) A fully executed, uncertified ETA Form 750 (Parts A and B, Application for Alien Employment Certification, **in duplicate**.
- 3) Where the beneficiary has received an award, evidence that the beneficiary's award(s) is/are internationally recognized. Evidence should include the criteria for the award. Where evidence of several awards is submitted, it is helpful to list the awards in descending order of prominence.

- 4) Where the beneficiary is a member of an international association, evidence that the association requires outstanding achievements of its members. Evidence should establish membership criteria and should include the beneficiary's membership category (e.g., lifetime, honorary, voting, associate).
- 5) Where the beneficiary conducts research, submit copies of published material *about* the beneficiary from major trade publications or the media. Evidence that the beneficiary's research has been cited within the footnotes of another publication does not establish the beneficiary as an outstanding professor or researcher. Likewise, evidence that the beneficiary is a published author fails to establish that he/she is an outstanding professor or researcher unless his/her discoveries are significant when compared to other researchers who are similarly engaged.
- 6) Evidence that the beneficiary's work in the last year and their intended work in the U.S.-required/requires exceptional ability.

In **rare** instances, Schedule A Group II is useful for aliens of exceptional ability in the sciences or arts (performing arts are not eligible). IMMACT 90 relied on criteria already established for Schedule A Group II to form criteria for the, then newly established, E11 classification. Also, there are significant requirements which negate the use of Schedule A Group II for most beneficiaries. Therefore, we encouraged you to consider petitioning for the E11 classification.

**For a Skilled Worker (E31 Classification), be sure to provide:**

- 1) Evidence of the petitioner's ability to pay the proffered wage. If the beneficiary is currently working or has previously been under the petitioner's employ, as identified on the ETA 750, Part B, submit W-2 wage-earning statements for periods worked and a copy of is/her most recent pay voucher.
- 2) The **original** ETA Form 750, Application for Alien Employment Certification.
- 3) A petition signed by the petitioner (not the beneficiary).
- 4) Where an affidavit is submitted attesting to the beneficiary's work-related experience, include the affiant's current address and telephone number.
- 5) If the ETA Form 750 specifies "bachelor's degree or equivalent," the alien must hold a foreign degree which is equivalent to a U.S. bachelor's degree. The only exception would be where the ETA Form 750 has been certified as having a different definition for "equivalent," such as allowing a combination of education, training and/or experience which has been professionally evaluated as being equivalent to a bachelor's degree.

**For a Professional Worker (E32 Classification), Be sure to provide:**

- 1) A petition signed by the petitioner (not the beneficiary).
- 2) Evidence of the petitioner's ability to pay the proffered wage. If the beneficiary is currently working or has previously been under the petitioner's employ, as identified on the ETA 750, Part B, submit W-2 statement(s) and a copy of the beneficiary's most recent pay voucher.
- 3) The **original** and **certified** ETA Form 750, Application for Alien Employment Certification.

- 4) Evidence of the beneficiary's qualifications:
  - (a) Evidence that the beneficiary possesses a United States baccalaureate degree or a foreign equivalent degree and is a member of the professions. For E32 classification as a professional, "foreign equivalent" means a foreign degree that is equivalent to a U.S. bachelors degree. No combinations of lesser degrees, work experience and/or training can be substituted for the actual attainment of a U.S. bachelors degree or its foreign equivalent degree.
  - (b) Where an affidavit is submitted attesting to the beneficiary's work-related experience, include the affiant's current address and telephone number.
  - (c) Where licensure is required, evidence that the beneficiary possesses a current license to practice the profession within the state of intended employment.
  - (d) When the petition is filed on behalf of a physician, evidence of Educational Commission for Foreign Medical Graduates (ECFMG) certification, that physician passed the Federation Licensing Examination (FLEX) or United States Medical Licensing Examination (USMLE) (all three steps), and/or a current license to practice medicine in the state of intended employment (when licensure is identified as a requirement on the labor certification).

**For an "Other Worker" (EW3 Classification), be sure to provide:**

- 1) A petition signed by the petitioner (not the beneficiary).
- 2) Evidence of petitioner's ability to pay the proffered wage. If the beneficiary is currently working or has previously been under the petitioner's employ, as identified on the ETA-750, Part B, submit W-2 statement(s) and a copy of the beneficiary's most recent pay voucher.
- 3) The **original** and **certified** ETA Form 750, Application for Alien Employment Certification.
- 4) Where an affidavit is submitted attesting to the beneficiary's work-related experience, include the affiant's current address and telephone number.

**Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant**

**For a Religious Worker (SR1 Classification), be sure to provide:**

- 1) Evidence that, during the two-year period immediately preceding the filing date of the petition, the beneficiary possesses the requisite two years of experience in the religious profession, vocation, or occupation and has two years of membership within the religious denomination.
- 2) Evidence that the employing religious organization is tax exempt under the Internal Revenue Code, Sections 501(c)(3), 509(a)(1) and 170(b)(1)(A)(i), as they relate to religious organizations.
- 3) Evidence of the employing religious organization's ability to remunerate the beneficiary, i.e., that the beneficiary will not be solely dependent on supplemental employment or the solicitation of funds to meet his/her worldly needs.

- 4) Evidence to establish the religious category (e.g., minister, religious professional, religious vocation, religious occupation, etc.) under which classification is being sought.
- 5) When the petition is filed on behalf of a Minister, a copy of the certificate of ordination and a letter from the U.S. organization stating that the beneficiary can perform ministerial duties.
- 6) When the petition is filed on behalf of a monk, nun, brother, etc., documentation to establish the date the beneficiary took his/her oath or was blessed or sanctioned within the religious body.
- 7) Evidence supporting the claimed affiliation between the petitioner and the foreign religious organization where the beneficiary was previously employed.
- 8) A detailed listing of the routine, day-to-day duties the beneficiary has performed and will perform for the religious organization(s) identified.

### **Form I-485, Application to Register Permanent Residence or Adjust Status**

#### **For Adjustment based on Asylee Status, be sure to provide:**

- 1) Copies of certified court records of the disposition of any arrests.
- 2) Form I-485 needs the applicant's or guardian's original signature.
- 3) G-325 needs an original signature.

*Note:* Applicants should not fulfill the medical and vaccination requirements on Form 693 and supplement until notified to do so by the Nebraska Service Center.

#### **For Adjustment based on Employment, be sure to provide:**

- 1) Employment Letter (to verify current employment, prospective permanent employment & possible changes in permanent employment due to section 106(c) of AC21).
- 2) Documentation of birth and parentage. (Note: If the birth certificate is unavailable, a statement from the civil registrar of the country of the applicant's birth, which demonstrates that the birth document cannot be obtained, is required. Only then will secondary evidence be accepted. Further, if the birth certificate is late registered and/or does not provide parents names, secondary evidence of birth and parentage will be required.)
- 3) Evidence of nonimmigrant status in U.S. (see Addendum Item 3), and if applicant has been employed, evidence such employment was authorized.
- 4) Evidence (Form I-693 and Supplement) that the Medical examination has been performed and that all issues have been resolved.

#### **For Adjustment based on the Haitian Refugee Immigration Fairness Act (HRIFA), be sure to provide:**

- 1) Evidence of the applicant having physically resided/having physical presence in the U.S. since 12/31/95.
- 2) Original Haitian birth/marriage certificates from the National Archives, with translations.
- 3) Copies of police clearances for ALL prior residences.

- 4) Form I-693 with supplement.

**For Adjustment based on Refugee Status, be sure:**

- 1) To provide Supplemental Form to I-693 properly signed by a physician and submitted in an envelope sealed by the physician.
- 2) Form I-485 bears the applicant's or guardian's ORIGINAL signature in Part 4. If signing for a minor, the parent or guardian must sign the child's name and indicate their relationship to the child.
- 3) To provide Form G-325 with an ORIGINAL signature for applicants age 14 and older.

**Form I-539, Application to Extend/Change Nonimmigrant Status**

**For Change to or Extension of H4 or L2 Classification, be sure to provide:**

- 1) When the dependent's I-539 is filed independently of the principal alien's I-129, evidence of the principal alien's status. (See Addendum Item 3).
- 2) Evidence of applicant's relationship to the principal alien, (e.g., marriage or birth certificate).
- 3) Evidence that the applicant's passport is valid.
- 4) Evidence of applicant's current nonimmigrant status. (See Addendum Item 3).
- 5) Evidence the applicant is currently maintaining valid nonimmigrant status.

**For Change to or Extension of All Other Non-Immigrant Classifications, be sure to provide:**

- 1) Evidence of financial support.
- 2) Reason for extension of stay or change of status.
- 3) Evidence of applicant's status. (See Addendum Item 3).
- 4) Evidence of applicant's relationship to the principal alien (e.g., marriage or birth certificate).
- 5) Evidence that the applicant's passport is valid.
- 6) The address of the foreign residence to which the applicant intends to return.
- 7) Evidence the applicant is currently maintaining valid nonimmigrant status.

**Form I-730, Refugee/Asylee Relative Petition**

**Be sure to provide:**

- 1) Evidence that the petitioner is the principal alien. The documentation must show that the petitioner was the direct applicant for refugee or asylee status, not a person who obtained status through their spouse or parent.
- 2) The overseas address for the beneficiary in English and in native language/characters.
- 3) A photo of the beneficiary.
- 4) If the beneficiary was not claimed on prior immigration-related documents, an explanation for the omission.

## **Form I-765, Application for Employment Authorization**

### **Be sure to provide:**

- 1) A photo identity document. (See Addendum Item 1).
- 2) Two color photos. (See Addendum Item 2).
- 3) Evidence of status. (See Addendum Item 3).

**Additional requirements for specific eligibility classifications are as follows:**

### **For a Citizen of Micronesia or the Marshall Islands (a)(8), be sure to provide:**

A copy of the applicant's birth certificate.

### **For an Alien Granted Extended Voluntary Departure/Deferred Enforced Departure (EVD/DED) (a)(11), be sure to provide:**

A copy of the applicant's birth certificate.

### **For an Alien Granted Family Unity (a)(13), be sure to provide:**

Form I-797 approval notice granting an I-817 filed in behalf of the applicant.

### **For an E-2 Nonimmigrant or L-2 Nonimmigrant ((a)(17) or (a)(18) respectively), be sure to provide:**

- 1) Evidence of the principal alien's status *(See Addendum Item 3)*.
- 2) A copy of the marriage certificate.

### **For a Student (c)(3)(iii) seeking Authorization to Work Because of Financial Necessity, be sure to provide:**

- 1) Evidence that student has submitted a SEVIS I-20 endorsed by the Designated School Official (DSO) within 30 days prior to filing the I-765 application.
- 2) Evidence (such as affidavits, student's personal/parent's personal bank statements), to demonstrate that off-campus employment is necessary to avoid economic hardship due to unforeseen circumstances beyond the student's control.
- 3) Evidence that student has completed one full academic year of study.

### **For a Student (c)(3)(i) Seeking Authorization for Practical Training, be sure to provide:**

- 1) Evidence that student has submitted a SEVIS I-20 endorsed by a Designated School Official (DSO) within the past 30 days prior to the filing of the I-765 application.
- 2) Evidence that DSO has recommended part- or full-time Optional Practical Training (OPT), including the dates of employment and certification that the employment is directly related to the major area of study.
- 3) Evidence that student has filed the I-765 before completion of their study.

### **For a J-2 Nonimmigrant (c)(5), be sure to provide:**

- 1) A copy of principal alien's Form DS-2019, Certificate of Eligibility for Exchange Visitor Status.

- 2) A written statement from the applicant indicating that the funds from the applicant's employment are not necessary to support, and will not be used to assist, the J-1 principal alien.

**For an M-1 Non-Immigrant Student in Practical Training (c)(6), be sure to provide:**

- 1) Form I-20MN endorsed by the Designated School Official (DSO).
- 2) Copy of Form I-538 completed by DSO.
- 3) Evidence that the practical training will be in occupation directly related to the course of study.

**For an Alien with a Recommendation of Asylum Grant or Asylum Application**

**Pending More Than 150 Days (c)(8), be sure:**

- 1) If the Form I-589 was filed on or after January 4, 1995, that 150 “klok” days have elapsed since filing the Form I-589. (If the I-589 was filed prior to January 4, 1995, “klok” days do not count.) “Klok” days run from the time of filing the I-589 to the time of filing the Form I-765. If the applicant has caused any delays between filing and the time of the interview with the Asylum Office or with the Immigration Judge (e.g. a Now-Show for interview or a request to change the interview/hearing date at the Asylum Office or with the Immigration Judge), the period of the delay is not included in “klok” time.
- 2) If the applicant’s Request for Asylum has been denied by the Asylum Office or the Immigration Judge, and the applicant has filed an appeal, to provide proof an appeal has been filed and is still pending.

**For an Alien filing Form I-765 filed with Form I-485 or where Form I-485 is already pending (c)(9), be sure to provide:**

- 1) For the beneficiary (principal alien), evidence that a Form I-140 has been filed or approved (i.e., receipt number/receipt notice or approval notice issued by this Service).
- 2) For the spouse or dependent, evidence of a pending or approved Form I-140 filed by or on behalf of the principal alien along with the principal alien's A-number and evidence of relationship to the principal alien.

**For a (c)(20), (c)(22) or a member of the Proyecto Litigation Class, be sure to provide:**

Proof of having filed for adjustment of status to that of Temporary Resident under Sec. 245A of the Act and having been denied due to a deportation between 1/1/1982 and 5/4/1988. A 90 million series A-file number is required.

**I-824, Application for Action on an Approved Application or Petition**

**Be sure to provide:**

Evidence of filing of original application or petition.



## **ADDENDUM**

### **ITEM 1: PHOTO IDENTITY DOCUMENT**

Submit a copy of a recent photo identity document showing your picture, name, and date of birth (BE SURE YOUR IDENTITY CAN BE DETERMINED FROM THE PICTURE). Such a document can be a copy of:

- Form I-551.
- your current employment authorization document (Form I-688, Form I-688A, Form I-688B, or any successor document issued by the INS as evidence that the holder is authorized to work in the U.S.)
- previously issued travel document
- the identity page from your current passport
- your current driver's license
- state identity document (other than current driver's license)
- School identity document.

Note: Temporary Form I-551 and Form I-94 arrival/departure cards are not acceptable for photo identification purposes. If you cannot obtain a clear black and white photocopy you can submit a color photocopy or your original document (original documents will be returned to you upon completion of your case).

### **ITEM 2: COLOR PHOTOGRAPHS**

#### **Additional Information regarding USCIS Color Photo Specifications (per USCIS Form M-378):**

##### **The Photograph.**

- The overall size of the picture, including the background, must be at least 40MM (1 9/16 inches) in height by 35MM (1 3/8 inches) in width.
- Photos must be free of shadows and contain no marks, splotches, or discolorations.
- Photos should be high quality, with good back lighting or wrap around lighting, and must have a white or off-white background.
- Photos must be a glossy or matte finish and un-retouched.
- Polaroid film hybrid #5 is acceptable; however SX-70 type film or any other instant processing type film is unacceptable. Non-peel apart films are easily recognized because the back of the film is black. Acceptable instant color film has a gray-toned backing.
- Photos should be enclosed in an envelope or small plastic bag; the envelope or bag should be stapled to the application/petition. Do not staple through the photographs when attaching them to the application/petition.

##### **The Image of the person.**

- The dimensions of the image should be 30MM (1 3/16 inches) from the hair to the neck just below the chin, and 26MM (1 inch) from the right ear to the left cheek. Image cannot exceed 32 MM by 28MM (1 1/4 inch x 1 1/16 inch).
- If the image area on the photograph is too large or too small, the photo cannot be used.
- Photographs must show the entire face of the person in a 3/4 view showing the right ear and left eye.
- Facial features *must be identifiable*.
- Contrast between the image and the background is essential. Photos for very light skinned people should be slightly under-exposed. Photos for very dark skinned people should be slightly over-exposed.

**ADDITIONALLY:**

**Photographs must have been taken within the last 30 days, and not previously used. Digital photographs are not acceptable.**

**ITEM 3: EVIDENCE OF STATUS**

Such a document can be a copy of:

- I-551, Permanent Resident Card
- Most recent I-94, Arrival-Departure Record
- Biographical and Service-stamped passport pages
- Approval (I-797) notice issued by this Service for an application or petition adjudicated by this Service (e.g. Form I-730)
- Board of Immigration Appeals (BIA) decision
- Letter from Immigration Judge granting asylum
- Letter from Asylum office granting asylum
- Naturalization Certificate
- A U.S. birth certificate issued by a civil authority
- An unexpired U.S. passport issued for a full 10-year period (if the U.S. citizen is over age 18)
- An unexpired U.S. passport issued for a 5-year period (if the U.S. citizen is under age 18)
- A Department of State Form FS-240, Report of Birth Abroad of a Citizen of the United States
- Secondary evidence could be:
  - A baptismal certificate showing date and place of birth in the United States
  - Early school records
  - Census records
  - Affidavits

**ITEM 4: EVIDENCE TO ESTABLISH PARENTAGE, A NAME OR NAME CHANGE AND/OR DATE OR COUNTRY OF BIRTH**

The name of record is the name on your Form I-94 or Form I-551. To establish the names of your biological or adoptive parents, your actual name or a name that you have legally adopted in place of the name you were given at birth, your date of birth and/or your country of birth, you must provide a copy of a:

- Court issued document
- Marriage certificate
- Birth Certificate
- Passport