RUTGERS
THE STATE UNIVERSITY OF NEW JERSEY

Rutgers Global–International Student and Scholar Services
Rutgers, The State University of New Jersey
30 College Avenue
New Brunswick, NJ 08901

global.rutgers.edu
isss-facultyscholars@global.rutgers.edu

p. 848-932-7800
f. 732-932-1979

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 $700 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 $700***** made out to "Dept. of Homeland Security" (in RIAS). **NOTE: for the "vendor address" in RIAS, put: "Department of Homeland Security, USCIS, P.O. Box 660128, Dallas, TX 75266"**

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 $2500 USCIS guarantees a response in 15 days from the date USCIS receives the I-140 petition. Please note, the $2500 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 our office 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**" (sample attached). 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 qualifications which were listed on the PERM labor certification application (as noted on the "Notice of Filing Permanent Alien Labor Certification" that was submitted to the VP's office and used as notification to the AAUP). 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 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 the 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 ISSS office. USCIS's response time fluctuates, but is currently about 6 months or longer. (See #7 on page two.)

7. To shorten delays caused by excessive USCIS backlogs, the USCIS currently allows aliens *whose **priority dates** are current* (see explanation on the next page) 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 ISSS office generally gets receipts about 3 weeks after mailing 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 International Student and Scholar Services office.

- **I-485**, Application for Permanent Residence (for alien, alien's spouse, and children under 21). Filing fee is $1140* plus $85 biometrics per I-485 submitted. Once filed, the dependents cannot travel abroad without "Advanced 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 "Advanced Parole." Permits each approved alien to travel abroad while I-485 is pending at USCIS. Filing fee is $575* per I-131. The form is available online at http://www.uscis.gov/files/form/i-131.pdf
- **I-765**, Application for Employment Authorization ($410* 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 a 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. Aliens are assigned a "priority date" (place in line) based upon a number of factors, including what category of I-140 was filed and 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 Center 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 a specific country 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 - Look for "Employment-Based" visas, "2nd" 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. Please feel free to consult the ISSS office about this.

***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 www.uscis.gov. **Please verify the current fee for each form by checking the USCIS website at:**
http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=db029c7755cb9010VgnVCM10000045f3d6a1RCRD&vgnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD.