



I-140 Immigrant Petition Checklist: A Comprehensive Guide for Attorneys

This checklist is designed to assist attorneys in preparing and filing Form I-140, Immigrant Petition for Alien Worker. It covers key steps and documentation requirements for various employment-based categories (EB-1, EB-2, and EB-3).



1. Preliminary Steps

Client Consultation

- ☐ Determine client's eligibility for an employment-based immigrant visa.
- ☐ Identify the appropriate EB category (EB-1, EB-2, or EB-3).
- ☐ Discuss the process, timelines, and required documentation.
- ☐ Obtain a signed retainer agreement.

Prevailing Wage Determination (PWD) (For EB-2 and EB-3)

- ☐ Obtain a PWD from the Department of Labor (DOL) through the FLAG system or utilize a valid private wage survey (if applicable).
- ☐ Ensure the PWD is valid for the intended area of employment.
- ☐ Document the source and methodology of the PWD.

Job Analysis and Requirements

- ☐ Review the job description and minimum requirements.
- ☐ Determine the appropriate Standard Occupational Classification (SOC) code.
- ☐ Ensure the position qualifies as a permanent, full-time position.

Labor Certification (PERM) (For EB-2 and EB-3, unless National Interest Waiver applies)

- ☐ Complete the PERM labor certification process (Form 9089).
- ☐ Ensure all recruitment steps are conducted in compliance with DOL regulations.
- ☐ Obtain a certified PERM labor certification from the DOL.

2. Gathering Supporting Documentation (Specific to Each Category)

EB-1A (Aliens with Extraordinary Ability)

- ☐ Evidence of extraordinary ability in the sciences, arts, education, business, or athletics through sustained national or international acclaim. This can include:
 - ☐ Documentation of receipt of lesser nationally or internationally recognized prizes or awards for excellence.
 - ☐ Published material about the alien in professional or major trade publications or other major media.
 - ☐ Evidence of original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.
 - ☐ Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation.
 - ☐ Letters of recommendation from experts in the field.
- ☐ Membership in associations in the field that demands outstanding achievements of their members.
- ☐ Evidence of participation on a panel, or individually, as a judge of the work of others in the same or an allied field.
- ☐ Evidence of authorship of scholarly articles in professional or major trade publications or other major media.
- ☐ Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field.

EB-1B (Outstanding Professors and Researchers)

- ☐ Evidence of recognition as outstanding in a specific academic area.
- ☐ At least three years of experience in teaching or research in the academic area.
- ☐ An offer of employment from a university or institution of higher education for a tenured or tenure-track teaching position or a comparable research position, or an offer of employment from a private employer with a department, division, or institute engaged in research, where the alien will be employed in a comparable research position.
- ☐ Documentation of the alien's research contributions, publications, and other scholarly achievements.

EB-1C (Multinational Managers or Executives)

- ☐ Evidence that the alien has been employed outside the United States for at least one year in the three years preceding the petition by a firm or corporation or other legal entity or an affiliate or subsidiary thereof.
- ☐ Evidence that the alien seeks to enter the United States to continue to render services to the same employer or to a subsidiary or affiliate thereof in a managerial or executive capacity.
- ☐ Documentation of the company's organizational structure and the alien's managerial or executive responsibilities.

EB-2 (Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability)

- ☐ Certified PERM Labor Certification (unless National Interest Waiver applies).
- ☐ Evidence of an advanced degree (master's degree or higher) or exceptional ability in the sciences, arts, or business.
- ☐ Letters of recommendation from experts in the field.

EB-3 (Skilled Workers, Professionals, and Other Workers)

- ☐ Certified PERM Labor Certification.
- ☐ For skilled workers: Evidence of at least two years of training or experience.
- ☐ For professionals: A U.S. baccalaureate degree or foreign equivalent.
- ☐ For other workers: Evidence of the ability to perform unskilled labor requiring less than two years of training or experience.

3. Preparing and Filing Form I-140

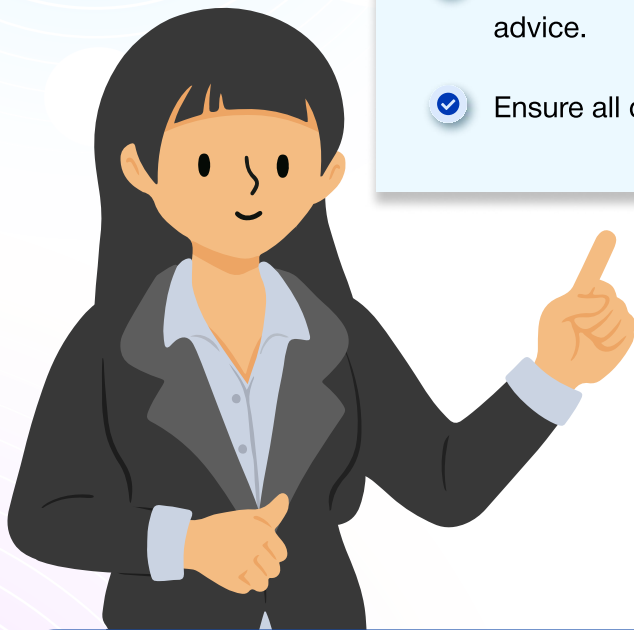
- ☐ Complete Form I-140 accurately and completely.
- ☐ Include all required fees.
- ☐ Obtain and retain the receipt notice (Form I-797).
- ☐ Organize all supporting documentation according to USCIS requirements.
- ☐ File the petition with the appropriate USCIS Service Center.

4. Post-Filing

- ☐ Track the case status online using the receipt number.
- ☐ Respond to any Requests for Evidence (RFEs) promptly and thoroughly.
- ☐ Prepare for potential approvals or denials.

5. Concurrent Filing (If Applicable)

If eligible, consider concurrent filing of Form I-485 (Application to Register Permanent Residence or Adjust Status) with Form I-140



Important Considerations

- ✓ This checklist is for general guidance only and does not constitute legal advice.
- ✓ Specific documentation requirements may vary depending on the individual case.
- ✓ Consult with an experienced immigration attorney for case-specific advice.
- ✓ Ensure all documents are translated into English if necessary.



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