

**THERE IS NOW A CLEAN VERSION SAVED WITH THIS NAME AND "CLEAN"**

Regulatory Text Side-Side Comparison Chart			
Improving Benefit Integrity in Labor Certification Based Immigrant Petitions			
8 CFR Citation	Original 8 CFR Text	Draft Edits	Comments
204.5(a)	<p><i>General.</i> A petition to classify an alien under section 203(b)(1), 203(b)(2), or 203(b)(3) of the Act must be filed on Form I-140, Petition for Immigrant Worker. A petition to classify an alien under section 203(b)(4) (as it relates to special immigrants under section 101(a)(27)(C)) must be filed on Form I-360, Petition for Amerasian, Widow, or Special Immigrant. A separate Form I-140 or I-360 must be filed for each beneficiary, accompanied by the applicable fee. A petition is considered properly filed if it is:</p>		
204.5(e)	<p><i>Retention of section 203(b)(1), (2), or (3) priority date.</i></p> <p>(1) A petition approved on behalf of an alien under sections 203(b)(1), (2), or (3) of the Act accords the alien the priority date of the approved petition for any subsequently filed</p>		



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petition for any classification under section 203(b)(1), (2), or (3) of the Act for which the alien may qualify. In the event that the alien is the beneficiary of multiple approved petitions under section 203(b)(1), (2), or (3) of the Act, the alien shall be entitled to the earliest priority date.

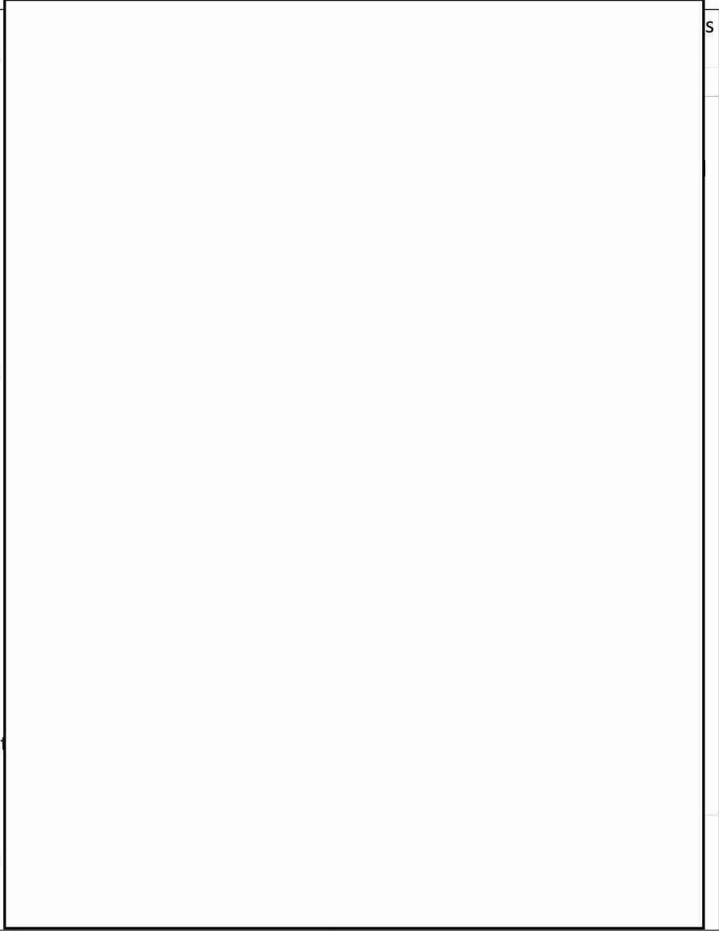
(2) The priority date of a petition may not be retained under paragraph (e)(1) of this section if at any time USCIS revokes the approval of the petition because of:

- (i) Fraud, or a willful misrepresentation of a material fact;
- (ii) Revocation by the Department of Labor of the approved permanent labor certification that accompanied the petition;
- (iii) Invalidation by USCIS or the Department of State of the permanent labor certification that accompanied the petition; or
- (iv) A determination by USCIS that petition approval was based on a material error.

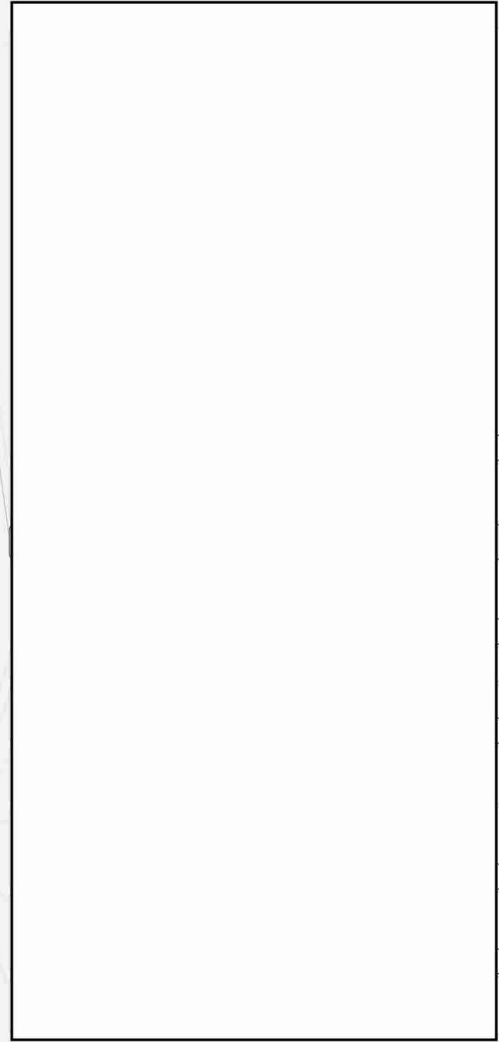
(3) A denied petition will not establish a priority date.

(4) A priority date is not transferable to another alien.

(5) A petition filed under section 204(a)(1)(F) of the Act for an alien shall remain valid with respect to a new employment offer as determined by USCIS under section 204(j) of the Act and 8 CFR 245.25. An alien will continue to be afforded the priority date of such petition, if the requirements of paragraph (e) of this section are met.



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204.5(g)(1)	<p>(1) <i>General.</i> Specific requirements for initial supporting documents for the various employment-based immigrant classifications are set forth in this section. In general, ordinary legible photocopies of such documents (except for labor certifications from the Department of Labor) will be acceptable for initial filing and approval. However, at the discretion of the director, original documents may be required in individual cases. Evidence relating to qualifying experience or training shall be in the form of letter(s) from current or former employer(s) or trainer(s) and shall include the name, address, and title of the writer, and a specific description of the duties performed by the alien or of the training received. If such evidence is unavailable, other documentation relating to the alien's experience or training will be considered.</p>		



204.5(g)(2)	<p><i>Ability of prospective employer to pay wage.</i> Any petition filed by or for an employment-based immigrant which requires an offer of employment must be accompanied by evidence that the prospective United States employer has the ability to pay the proffered wage. The petitioner must demonstrate this ability at the time the priority date is established and continuing until the beneficiary obtains lawful permanent residence. Evidence of this ability shall be either in the form of copies of annual reports, federal tax returns, or audited financial statements. In a case where the prospective United States employer employs 100 or more workers, the director may accept a statement from a financial officer of the organization which establishes the prospective employer's ability to pay the proffered wage. In appropriate cases, additional evidence, such as profit/loss statements, bank account records, or personnel records, may be submitted by the petitioner or requested by the Service.</p>		

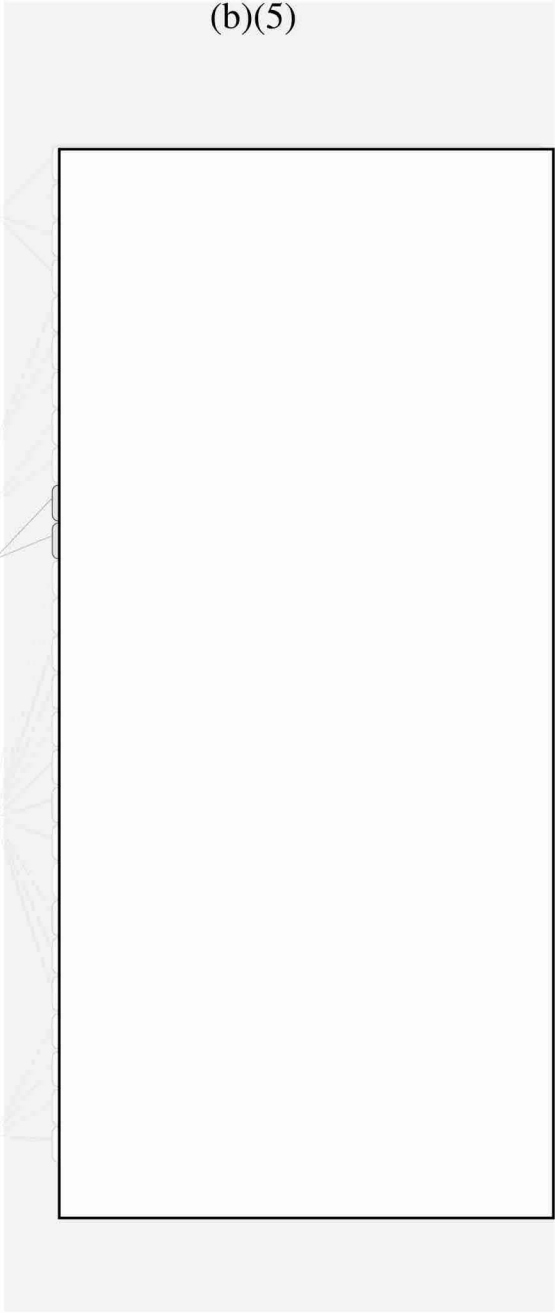
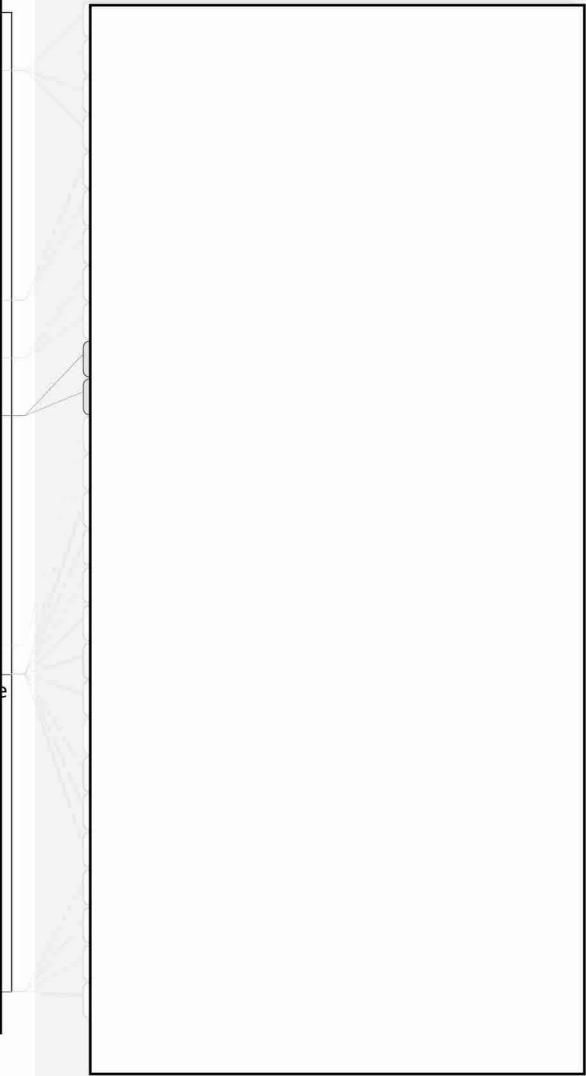
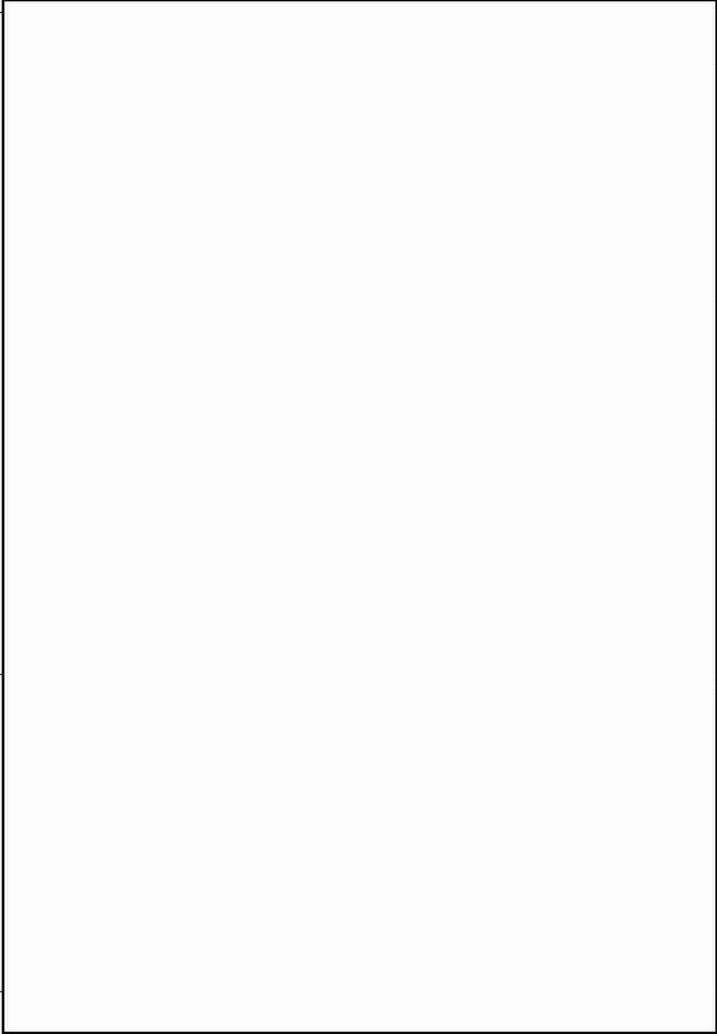


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204.5(g)(3)	N/A

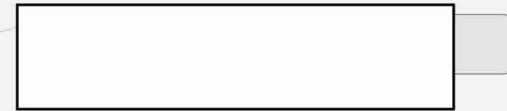


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8 CFR 204.5(h)(2)			

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8 CFR 204.5(h)(3)	<p><i>Initial evidence.</i> A petition for an alien of extraordinary ability must be accompanied by evidence that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise. Such evidence shall include evidence of a one-time achievement (that is, a major, international recognized award), or at least three of the following:</p> <ul style="list-style-type: none"><li>(i) Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;</li><li>(ii) Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields;</li><li>(iii) Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation;</li><li>(iv) Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought;</li></ul>		

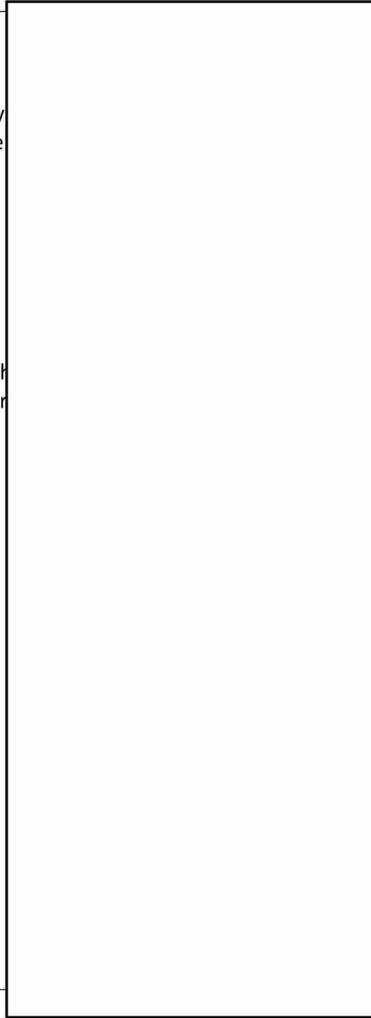


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(v) Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;  
(vi) Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media;  
(vii) Evidence of the display of the alien's work in the field at artistic exhibitions or showcases;  
(viii) Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation;  
(ix) Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field; or  
(x) Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.  
(4) If the above standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility.





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8 CFR 204.5(h)(5)	<p><i>No offer of employment required.</i> Neither an offer for employment in the United States nor a labor certification is required for this classification; however, the petition must be accompanied by clear evidence that the alien is coming to the United States to continue work in the area of expertise. Such evidence may include letter(s) from prospective employer(s), evidence of prearranged commitments such as contracts, or a statement from the beneficiary detailing plans on how he or she intends to continue his or her work in the United States.</p>	

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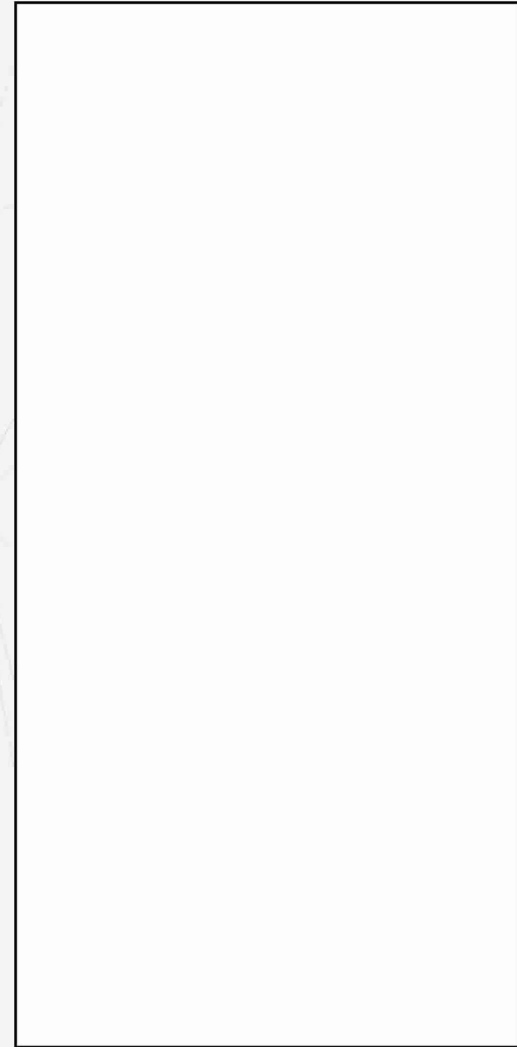


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8 CFR 204.5(i)(2)	<p><i>Academic field</i> means a body of specialized knowledge offered for study at an accredited United States university or institution of higher education.</p> <p><i>Permanent</i>, in reference to a research position, means either tenured, tenure-track, or for a term of indefinite or unlimited duration, and in which the employee will ordinarily have an expectation of continued employment unless there is good cause for termination.</p>		

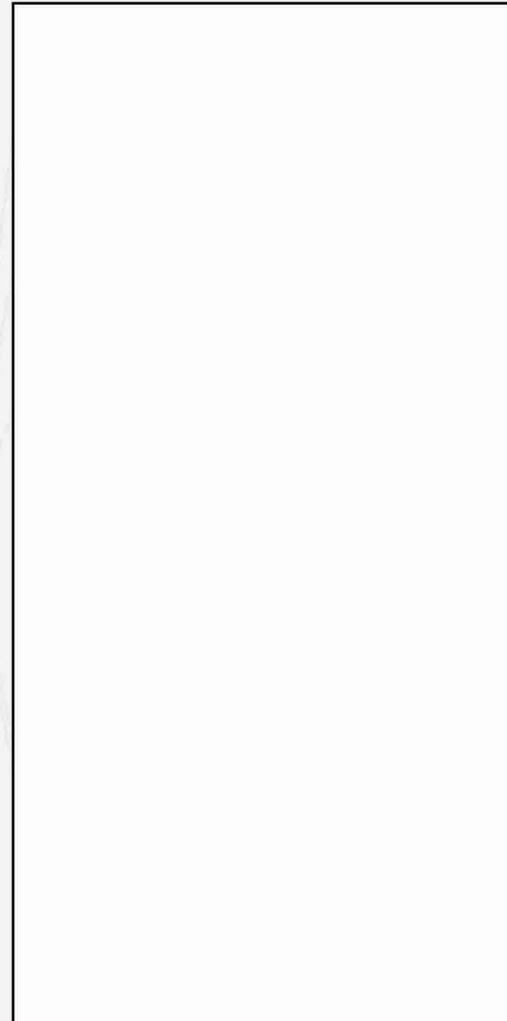


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8 CFR 204.5(i)(3)  (b)(5)	<p><i>Initial evidence.</i> A petition for an outstanding professor or researcher must be accompanied by:</p> <p>(i) Evidence that the professor or researcher is recognized internationally as outstanding in the academic field specified in the petition. Such evidence shall consist of at least two of the following:</p> <p>(A) Documentation of the alien's receipt of [redacted] [redacted]s or awards for outstanding achievement in the academic field;</p> <p>(B) Documentation of the alien's membership in associations in the academic field which require outstanding achievements of their members;</p> <p>(C) Published material in professional publications written by others about the alien's work in the academic field. Such material shall include the title, date, and author of the material, and any necessary translation;</p> <p>(D) Evidence of the alien's participation, either individually or on a panel, as the judge of the work of others in the same or an allied academic field;</p> <p>(E) Evidence of the alien's original scientific or scholarly research contributions to the academic field; or</p> <p>(F) Evidence of the alien's authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field;</p> <p>(ii) If the standards in paragraph (i)(3)(i) of this section do not readily apply, the petitioner may</p>		

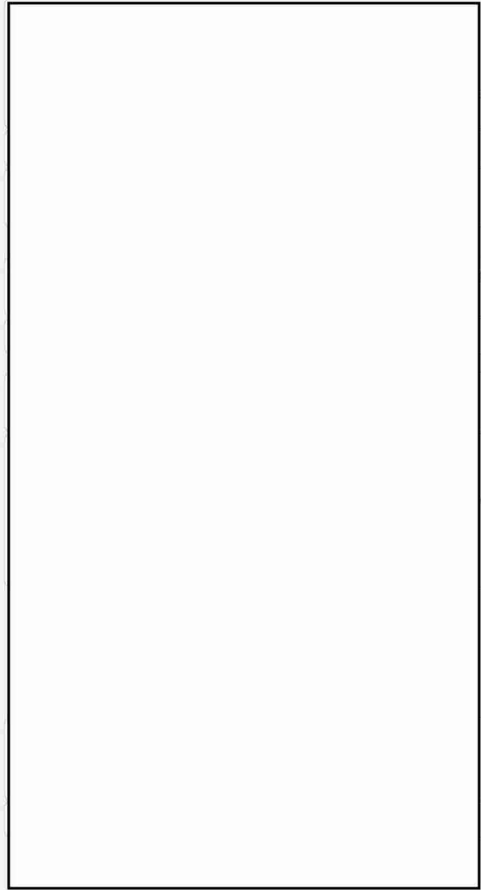
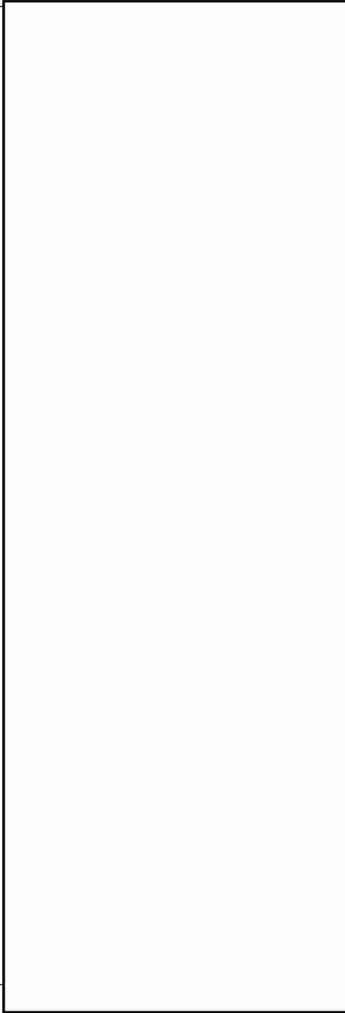


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submit comparable evidence to establish the beneficiary's eligibility.





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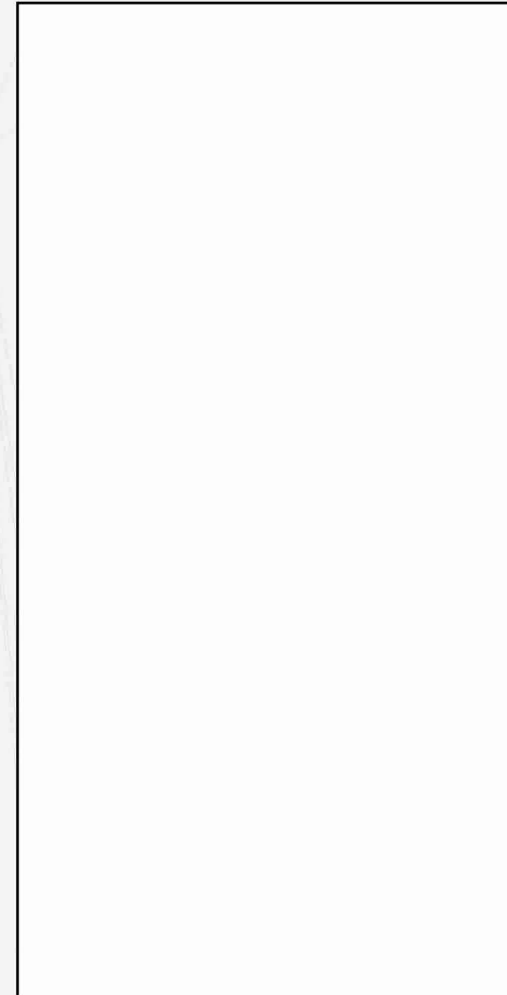
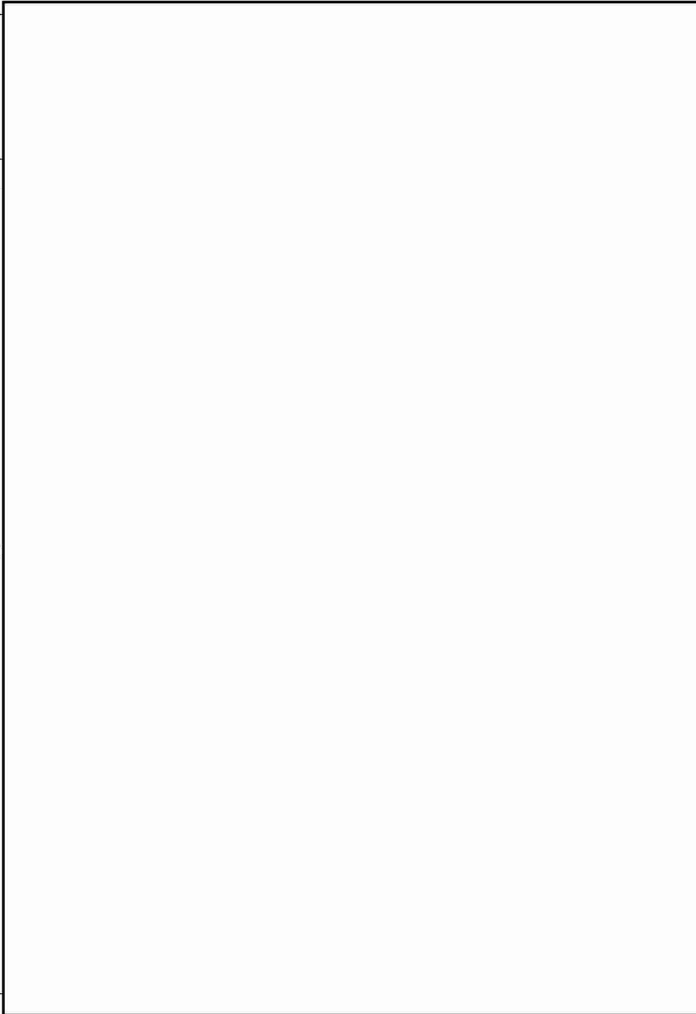
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8 CFR 204.5(i)(3)(iv)	An offer of employment from a prospective United States employer. A labor certification is not required for this classification. The offer of employment shall be in the form of a letter from: (A) A United States university or institution of higher learning offering the alien a tenured or tenure-track teaching position in the alien's academic field; (B) A United States university or institution of higher learning offering the alien a permanent research position in the alien's academic field; or (C) A department, division, or institute of a private employer offering the alien a permanent research position in the alien's academic field. The department, division, or institute must demonstrate that it employs at least three persons full-time in research positions, and that it has achieved documented accomplishments in an academic field.	



8 CFR 204.5(j)(2)	<p><i>Definitions.</i> As used in this section:</p> <p>Affiliate means:</p> <p>(A) One of two subsidiaries both of which are owned and controlled by the same parent or individual;</p> <p>(B) One of two legal entities owned and controlled by the same group of individuals, each individual owning and controlling approximately the same share or proportion of each entity; or</p> <p>(C) In the case of a partnership that is organized in the United States to provide accounting services, along with managerial and/or consulting services, and markets its accounting services under an internationally recognized name under an agreement with a worldwide coordinating organization that is owned and controlled by the member accounting firms, a partnership (or similar organization) that is organized outside the United States to provide accounting' services shall be considered to be an affiliate of the United States partnership if it markets its accounting services under the same internationally recognized name under the agreement with the worldwide coordinating organization of which the United States partnership is also a member.</p>



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<p>....</p> <p><i>Doing business</i> means the regular, systematic, and continuous provision of goods and/or services by a firm, corporation, or other entity and does not include the mere presence of an agent or office.</p> <p><i>Executive capacity</i> means an assignment within an organization in which the employee primarily:</p> <p>(A) Directs the management of the organization or a major component or function of the organization;</p> <p>(B) Establishes the goals and policies of the organization, component, or function;</p> <p>(C) Exercises wide latitude in discretionary decisionmaking; and</p> <p>(D) Receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.</p> <p>....</p> <p>....</p>		
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	<p><i>Managerial capacity</i> means an assignment within an organization in which the employee primarily:</p> <ul style="list-style-type: none"><li>(A) Manages the organization, or a department, subdivision, function, or component of the organization;</li><li>(B) Supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;</li><li>(C) If another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization), or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and</li></ul>		
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(D) Exercises direction over the day-to-day operations of the activity or function for which the employee has authority.

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otherwise exercising authority

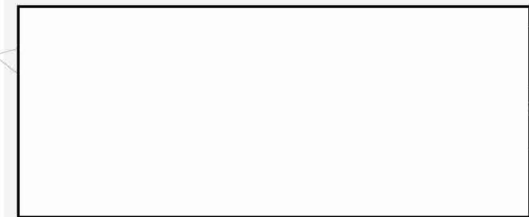
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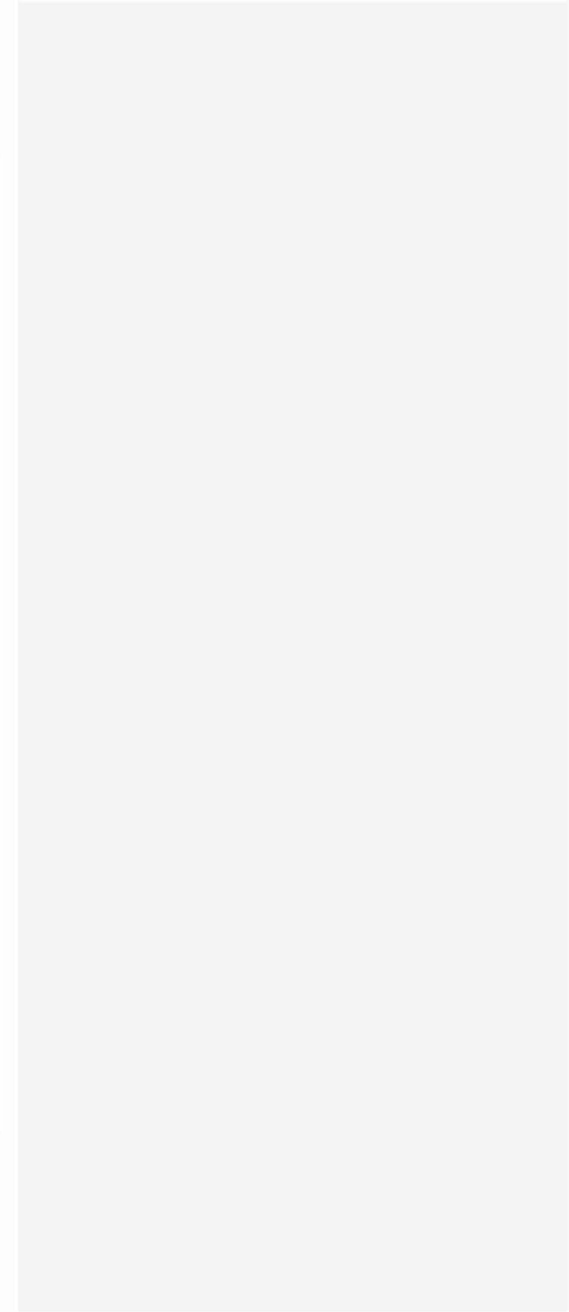
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8 CFR 204.5(j)(3)

*Initial evidence—(i) Required evidence.* A petition for a multinational executive or manager must be accompanied by a statement from an authorized official of the petitioning United States employer which demonstrates that:

(A) If the alien is outside the United States, in the three years immediately preceding the filing of the petition the alien has been employed outside the United States for at least one year in a managerial or executive capacity by a firm or corporation, or other legal entity, or by an affiliate or subsidiary of such a firm or corporation or other legal entity; or

(B) If the alien is already in the United States 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 overseas in the three years preceding entry as a nonimmigrant, the alien was employed by the entity abroad for at least one year in a managerial or executive capacity;

(C) The prospective employer in the United States is the same employer or a subsidiary or affiliate of the firm or corporation or other legal entity by which the alien was employed overseas; and

(D) The prospective United States employer has been doing business for at least one year.

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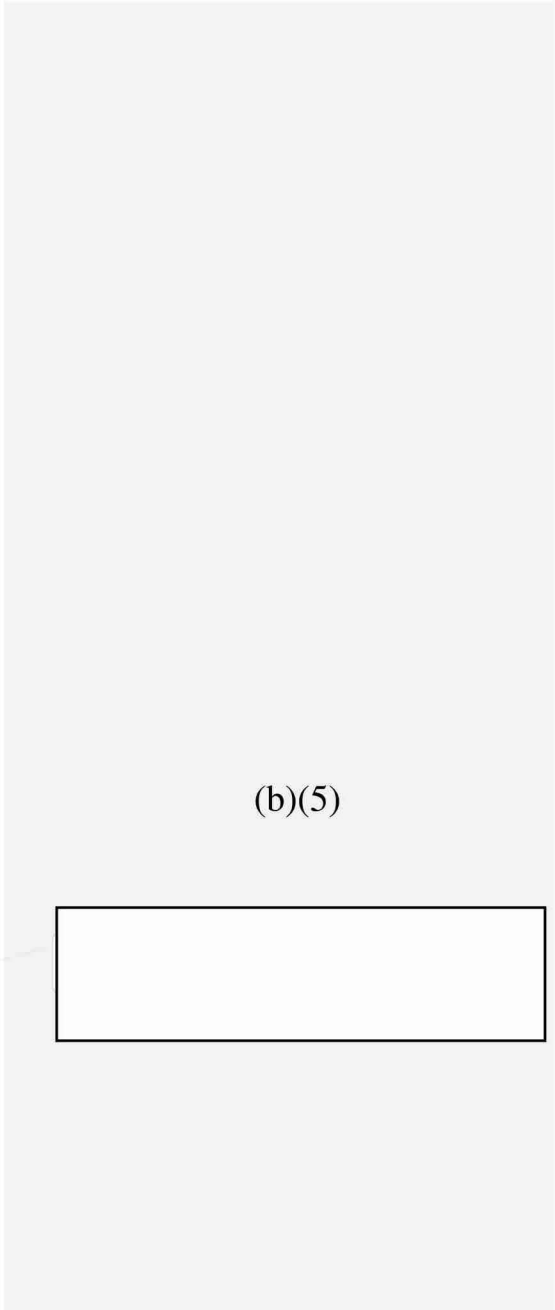
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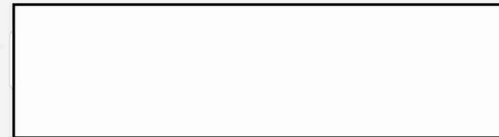
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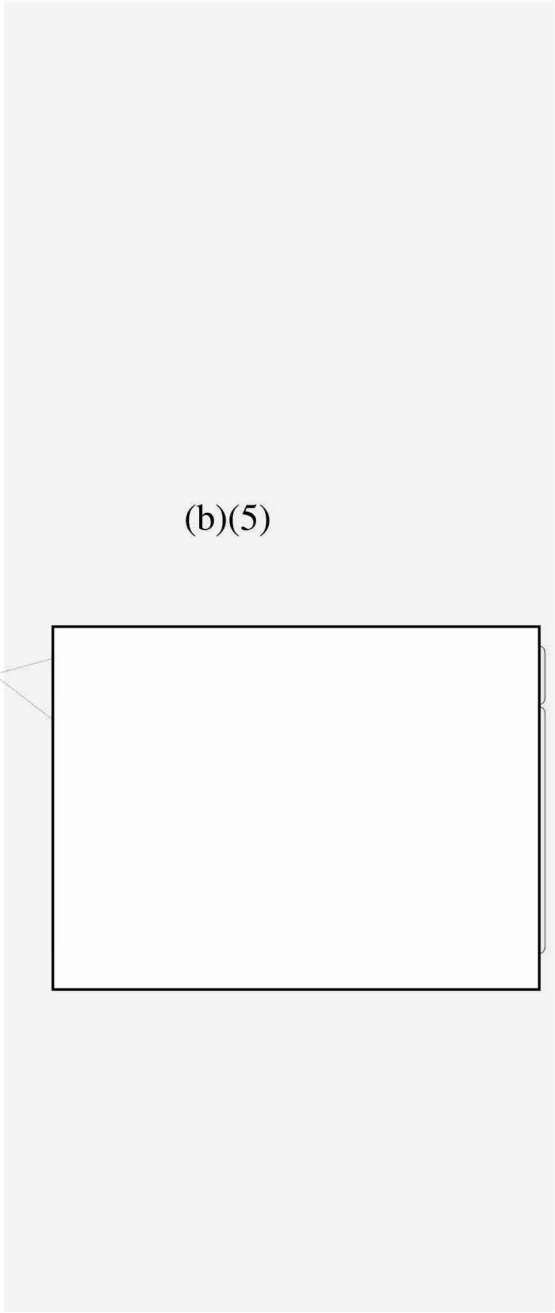




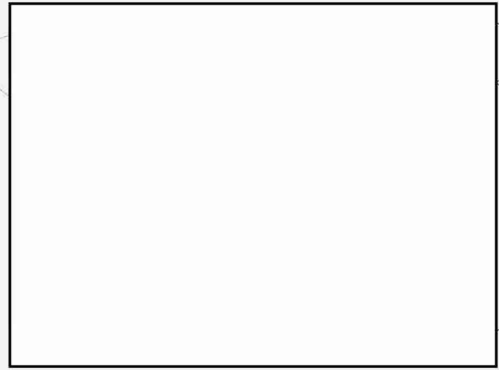
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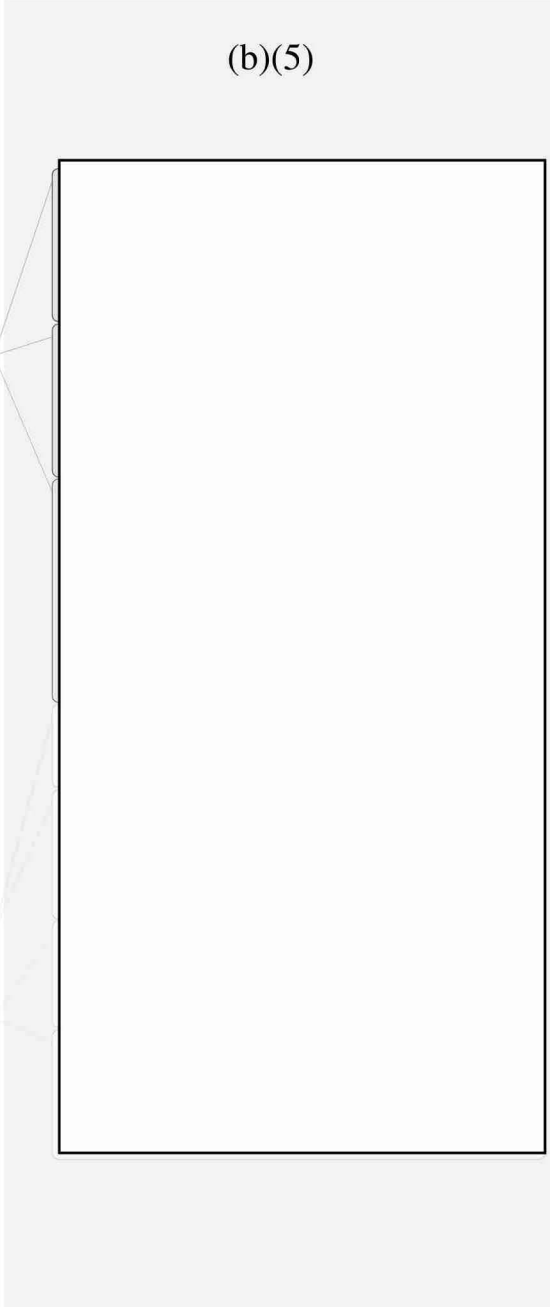


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8 CFR 204.5(k)(2)	<p><i>Definitions.</i> As used in this section: <i>Advanced degree</i> means any United States academic or professional degree or a foreign equivalent degree above that of baccalaureate. A United States baccalaureate degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a master's degree. If a doctoral degree is customarily required by the specialty, the alien must have a United States doctorate or a foreign equivalent degree.</p>		





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8 CFR 204.5(k)(3)(iii)	If the above standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility.		

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8 CFR 204.5(k)(4)(i)	<p><i>Labor certification or evidence that alien qualifies for Labor Market Information Pilot Program—</i></p> <p>(i) <i>General.</i> Every petition under this classification must be accompanied by an individual labor certification from the Department of Labor, by an application for Schedule A designation (if applicable), or by documentation to establish that the alien qualifies for one of the shortage occupations in the Department of Labor's Labor Market Information Pilot Program. To apply for Schedule A designation or to establish that the alien's occupation is within the Labor Market Information Program, a fully executed uncertified Form ETA-750 in duplicate must accompany the petition. The job offer portion of the individual labor certification, Schedule A application, or Pilot Program application must demonstrate that the job requires a professional holding an advanced degree or the equivalent or an alien of exceptional ability.</p>
8 CFR 204.5(k)(4)(ii)	<p><i>Exemption from job offer.</i> The director may exempt the requirement of a job offer, and thus of a labor certification, for aliens of exceptional</p>


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ability in the sciences, arts, or business if exemption would be in the national interest. To apply for the exemption, the petitioner must submit Form ETA-750B, Statement of Qualifications of Alien, in duplicate, as well as evidence to support the claim that such exemption would be in the national interest.

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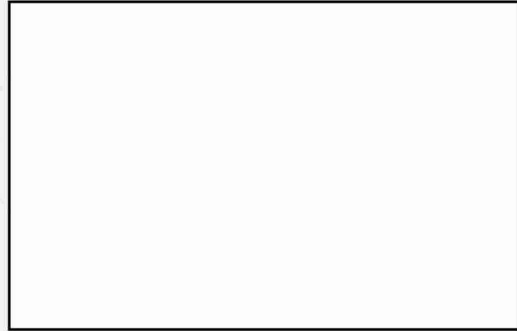
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New 204.5(k)(5)			

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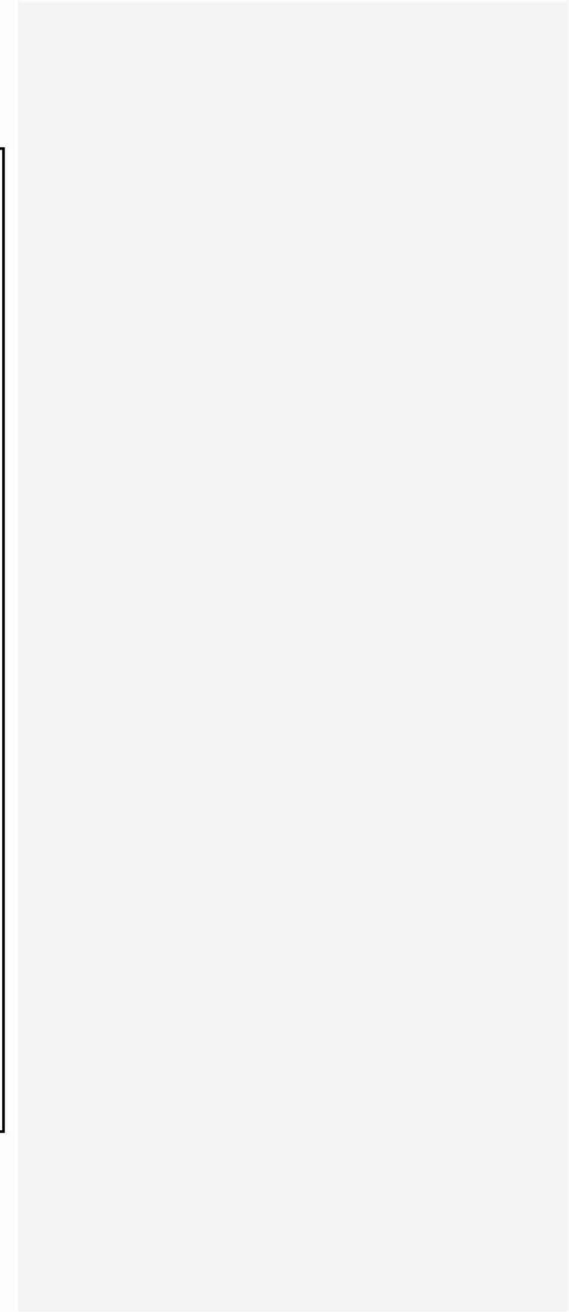




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New 204.5(k)(6)		

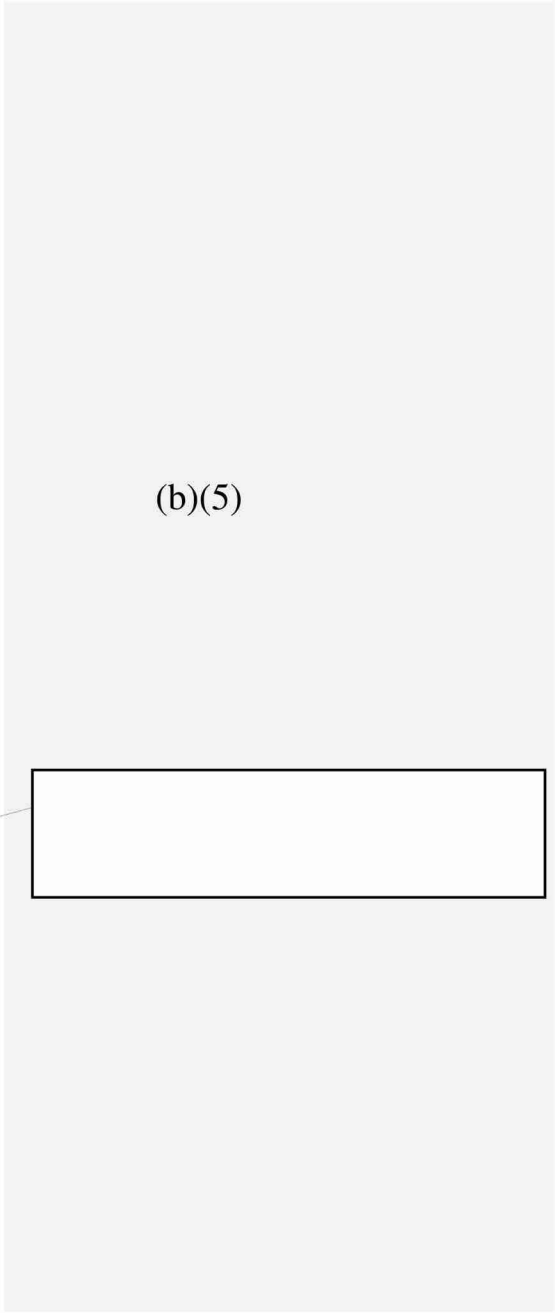
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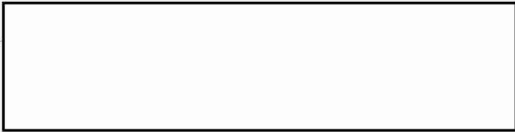
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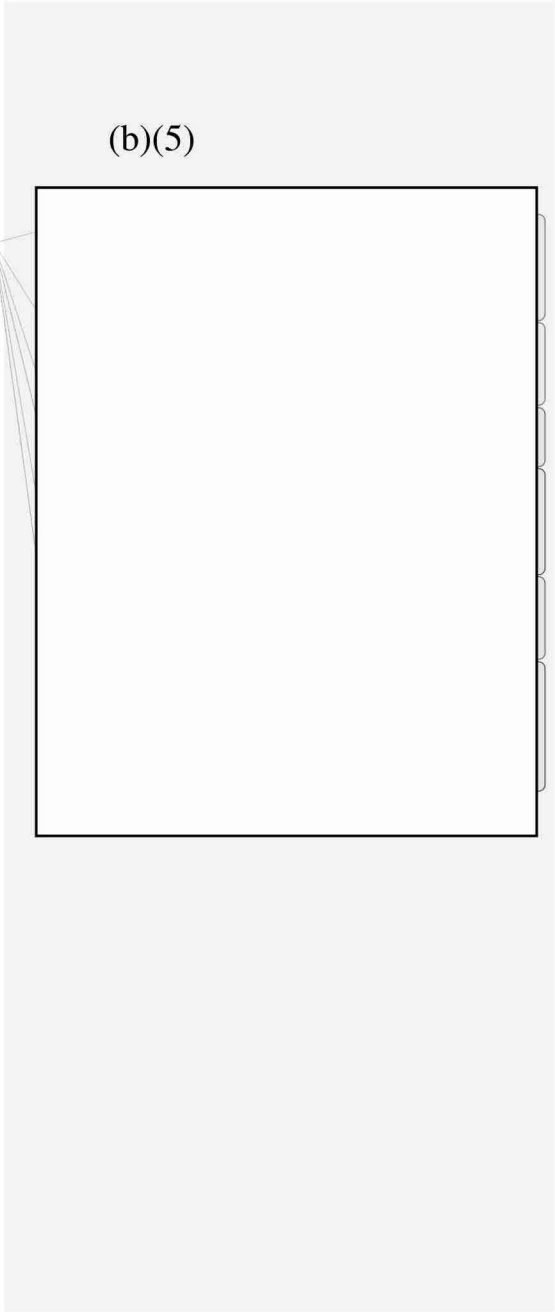
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8 CFR 204.5(l)(2)	<i>Professional</i> means a qualified alien who holds at least a United States baccalaureate degree or a foreign equivalent degree and who is a member of the professions.



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8 CFR 204.5(l)(3)	<p><i>Initial evidence</i>—(i) Labor certification or evidence that alien qualifies for Labor Market Information Pilot Program. Every petition under this classification must be accompanied by an individual labor certification from the Department of Labor, by an application for Schedule A designation, or by documentation to establish that the alien qualifies for one of the shortage occupations in the Department of Labor's Labor Market Information Pilot Program. To apply for Schedule A designation or to establish that the alien's occupation is a shortage occupation with the Labor Market Pilot Program, a fully executed uncertified Form ETA-750 in duplicate must accompany the petition. The job offer portion of an individual labor certification, Schedule A application, or Pilot Program application for a professional must demonstrate that the job requires the minimum of a baccalaureate degree.</p>		



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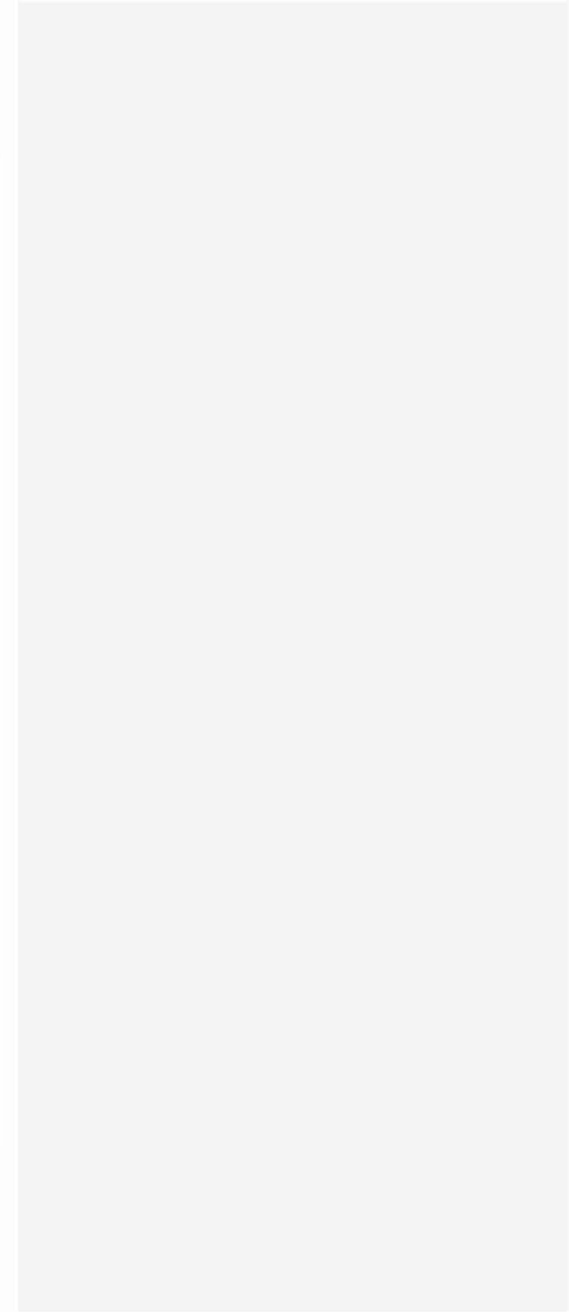




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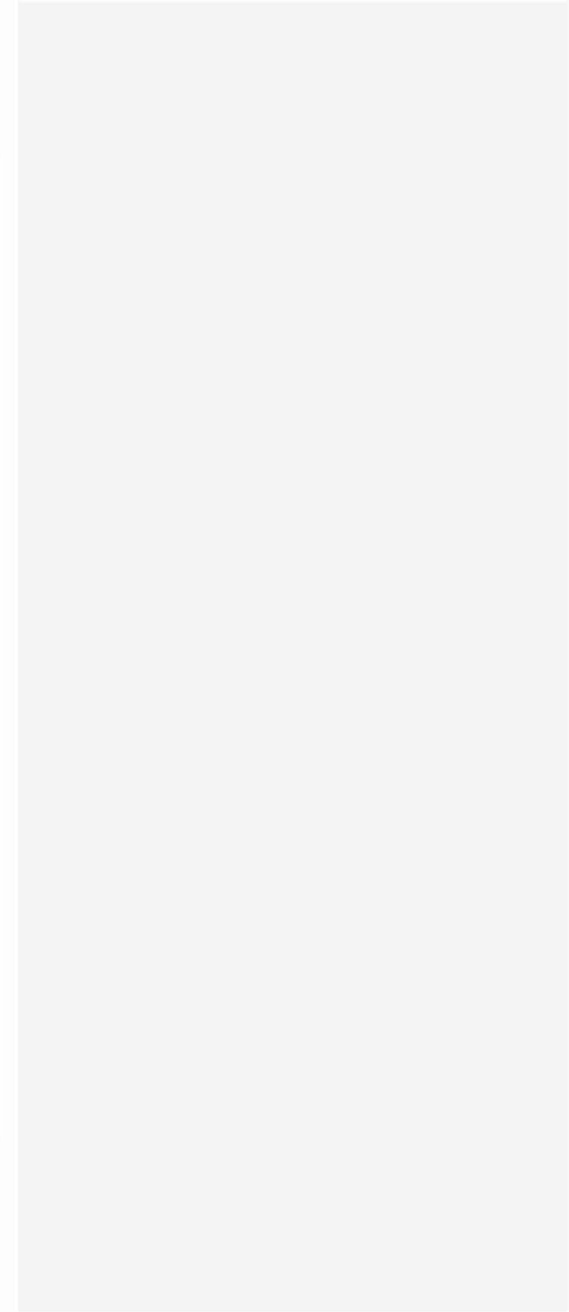
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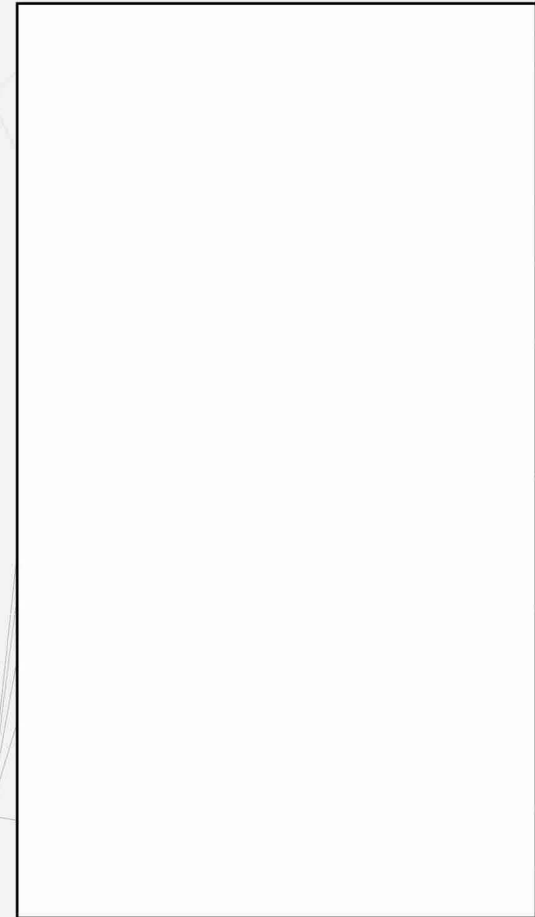
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8 CFR 204.5(o)	<p><b>(o) Denial of petitions under section 204 of the Act based on a finding by the Department of Labor.</b> Upon debarment by the Department of Labor pursuant to 20 CFR 655.31, USCIS may deny any employment-based immigrant petition filed by that petitioner for a period of at least 1 year but</p>		

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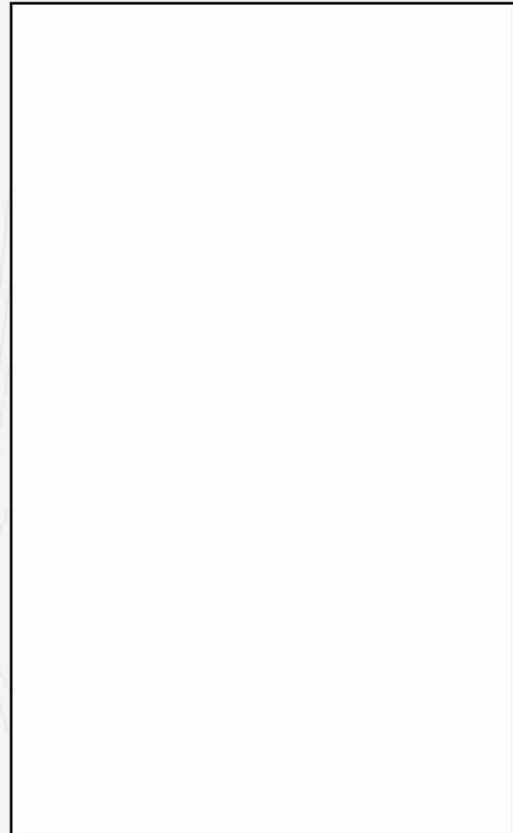


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	<p>not more than 5 years. The time period of such bar to petition approval shall be based on the severity of the violation or violations. The decision to deny petitions, the time period for the bar to petitions, and the reasons for the time period will be explained in a written notice to the petitioner.</p>		
New 8 CFR 204.5(q)			

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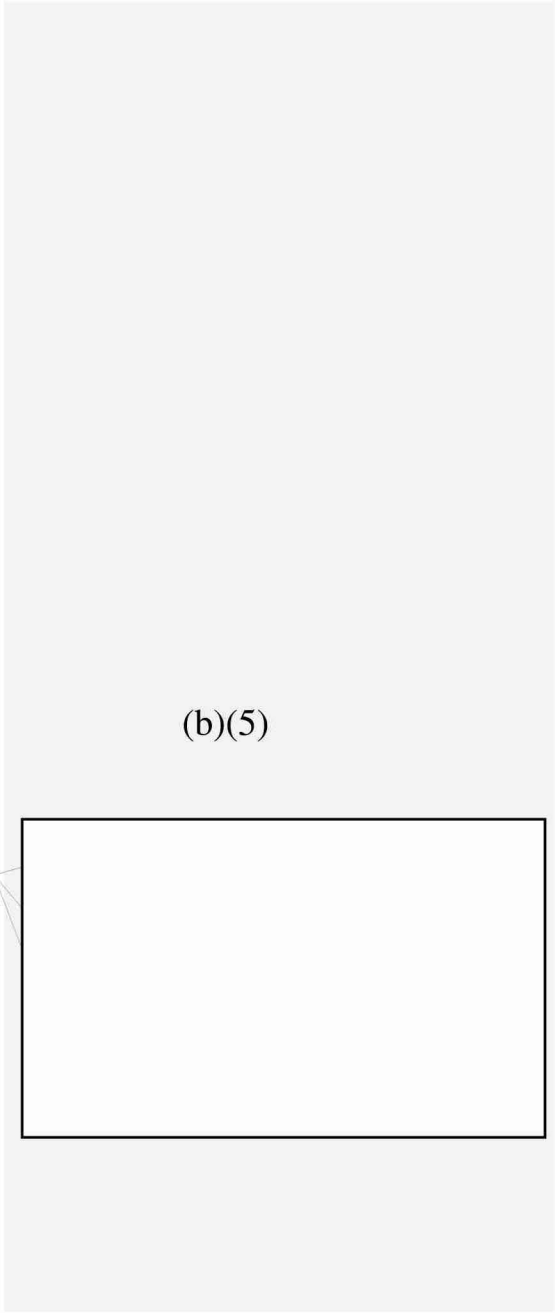
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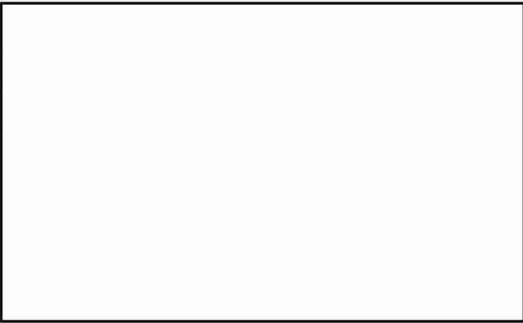
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8 CFR 204.12(d)(4)	<p>(4) <i>Petitions filed prior to November 1, 1998.</i> For petitions filed prior to November 1, 1998, and still pending as of November 12, 1999, the Service will approve a national interest waiver provided the beneficiary fulfills the evidence requirements of paragraph (c) of this section. Alien physicians that are beneficiaries of pre-November 1, 1998, petitions are only required to work full-time as a physician practicing clinical medicine for an aggregate of 3 years, rather than 5 years, not including time served in J-1 nonimmigrant status, prior to the physician either adjusting status under section 245 of the Act or receiving a visa issued under section 204(b) of the Act. The physician must complete the aggregate of 3 years of medical service within the 4-year period beginning on the date of the approval of the petition, if the physician already has authorization to accept employment (other than as a J-1 exchange alien). If the physician does not already have authorization to accept employment, the physician must perform the service within the 4-year period beginning the date the Service issues the necessary employment authorization document.</p>	
8 CFR 204.12(d)(6)	<p>(6) <i>Petitions denied prior to November 12, 1999.</i> If a prior Service decision denying a national interest waiver under section 203(b)(2)(B) of the Act became administratively final before November 12, 1999, an alien physician who believes that he or she is eligible for the waiver</p>	

[Redacted]



	<p>under the provisions of section 203(b)(2)(B)(ii) of the Act may file a new Form I-140 petition accompanied by the evidence required in paragraph (c) of this section. The Service must deny any motion to reopen or reconsider a decision denying an immigrant visa petition if the decision became final before November 12, 1999, without prejudice to the filing of a new visa petition with a national interest waiver request that comports with section 203(b)(2)(B)(ii) of the Act.</p>		
8 CFR 212.15(g)	<p>(g) <i>English language requirements.</i> (1) With the exception of those aliens described in paragraph (g)(2) of this section, every alien must meet certain English language requirements in order to obtain a certificate. The Secretary of HHS has sole authority to set standards for these English language requirements, and has determined that an alien must have a passing score on one of the three tests listed in paragraph (g)(3) of this section before he or she can be granted a certificate. HHS will notify The Department of Homeland Security of additions or deletions to this list, and The Department of Homeland Security will publish such changes in the Federal Register.</p> <p>(2) The following aliens are exempt from the English language requirements:</p> <ul style="list-style-type: none"><li>(i) Alien nurses who are presenting a certified statement under section 212(r) of the Act; and</li><li>(ii) Aliens who have graduated from a college, university, or professional training school located in Australia, Canada (except Quebec), Ireland,</li></ul>		

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New Zealand, the United Kingdom, or the United States.

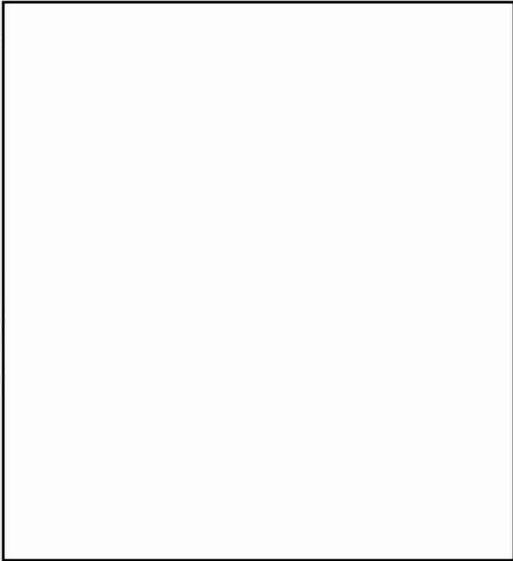
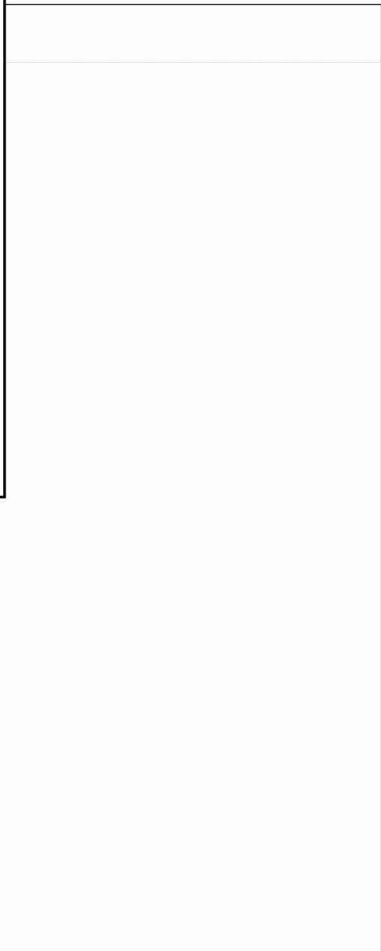
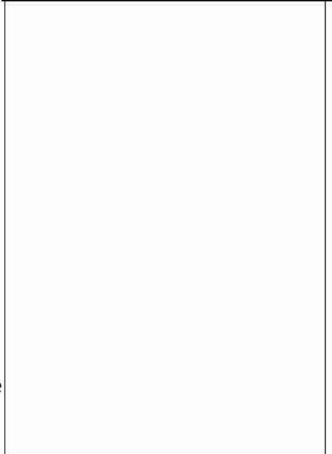
(3) The following English testing services have been approved by the Secretary of HHS:

- (i) Educational Testing Service (ETS).
- (ii) Test of English in International Communication (TOEIC) Service International.
- (iii) International English Language Testing System (IELTS).

(4) Passing English test scores for various occupations.

(i) *Occupational and physical therapists.* An alien seeking to perform labor in the United States as an occupational or physical therapist must obtain the following scores on the English tests administered by ETS: Test Of English as a Foreign Language (TOEFL): Paper-Based 560, Computer-Based 220; Test of Written English (TWE): 4.5; Test of Spoken English (TSE): 50. The certifying organizations shall not accept the results of the TOEIC, or the IELTS for the occupation of occupational therapy or physical therapy.

(ii) *Registered nurses and other health care workers requiring the attainment of a baccalaureate degree.* An alien coming to the United States to perform labor as a registered nurse (other than a nurse presenting a certified statement under section 212(r) of the Act) or to perform labor in another health care occupation requiring a baccalaureate degree (other than occupational or physical therapy) must obtain one of the following combinations of scores to obtain a certificate:



(b)(5) Exempt – Do Not Release under FOIA

	<p>(A) ETS: TOEFL: Paper-Based 540, Computer-Based 207; TWE: 4.0; TSE: 50; (B) TOEIC Service International: TOEIC: 725; plus TWE: 4.0 and TSE: 50; or (C) IELTS: 6.5 overall with a spoken band score of 7.0. This would require the Academic module.</p>		
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Outstanding I-140 issues:

(b)(5)

Ability to Pay

Extraordinary Ability

Multinational Executive/Manager

NIW – SCOPS reviewed OK

(b)(5)

[Redacted]

(b)(5)

Academic Field and Degrees Resolved

[Redacted]

Professional Definition for EB3

[Redacted]

[Redacted]

**Language to keep in mind:**

[Redacted]

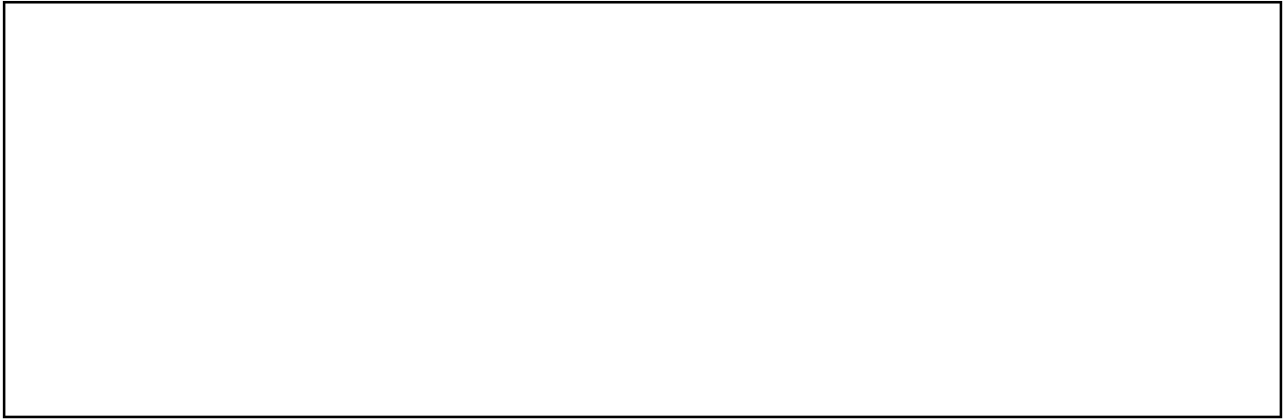
Integrity Provisions

[Redacted]

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(b)(5)

# Application for Predetermination Under the Known Employer Pilot Program



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

USCIS  
Form I-950

<b>For USCIS Use Only</b>	The following predeterminations have been approved: <ul style="list-style-type: none"> <li><input type="checkbox"/> E13 Qualifying Relationship, Multinational and Doing Business</li> <li><input type="checkbox"/> E12 Private Employer Requirements</li> <li><input type="checkbox"/> E13 and E12 Ability to Pay</li> <li><input type="checkbox"/> L-1 Qualifying Relationship and Doing Business</li> <li><input type="checkbox"/> H-1B Cap Exempt</li> <li><input type="checkbox"/> H-1B ACWIA Fee Exempt</li> <li><input type="checkbox"/> H-1B Documents Uploaded</li> <li><input type="checkbox"/> TN Documents Uploaded</li> </ul>	<b>Action Block</b>
	<input type="checkbox"/> See written decision for denied requests for predeterminations	

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

### Part 1. Employer's Information

1. Company or Organization Name

### Mailing Address of Company or Organization

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

### Other Information

3. Federal Employer Identification Number (FEIN)  
 ▶

4. Known Employer Identification Number

5. Number of U.S. Employees

6. Year Established

7. Most Recent Annual Gross Income  
 \$

8. Most Recent Annual Net Income  
 \$

### Part 2. Information About This Application

Reason for Filing (Select only one box)

1.  Initial Application

2.  Amended Application

Predeterminations Requested

3.a.  H-1B Cap Exemption (H-1B)

3.b.  H-1B ACWIA Fee Exemption (H-1B)

3.c.  Qualifying Relationship and Doing Business (L-1)

3.d.  Qualifying Relationship, Multinational and Doing Business (E13)

3.e.  Private Employer Requirements (E12)

3.f.  Ability to Pay (E12 and E13)

3.g.  Company Information Uploaded (H-1B)

3.h.  Company Information Uploaded (TN)

Supporting documentation

4. Have you uploaded documentary evidence in support of each of the predeterminations you are requesting to the Known Employer Document Library?  Yes  No

### Part 3. H-1B Cap Exemption

If you are requesting a predetermination that you are exempt from the numerical limitation on H-1B visas, in order to identify the basis on which you are claiming exemption, you must answer all of the following questions:

1. Are you an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965, 20 USC 1001(a)?  Yes  No

**Part 3. H-1B Cap Exemption (continued)**

- 2. Are you a nonprofit organization or entity related to or affiliated with an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 USC 1001(a)?  Yes  No
- 3. Are you a nonprofit research organization or a governmental research organization, as defined in 8 CFR 214.2(h)(19)(iii)(C)?  Yes  No

**Part 4. H-1B ACWIA Fee Exemption**

If you are requesting a predetermination that you are exempt from the American Competitiveness and Workforce Improvement Act (ACWIA) fee for your H-1B Form I-129 petition, in order for USCIS to determine if you are exempt from the ACWIA fee when filing Form I-129 for an individual H-1B beneficiary, you must answer all of the following questions:

- 1. Are you an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965, 20 USC 1001(a)?  Yes  No
- 2. Are you a nonprofit organization or entity related to or affiliated with an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 USC 1001(a)?  Yes  No
- 3. Are you a nonprofit research organization or a governmental research organization, as defined in 8 CFR 214.2(h)(19)(iii)(C)?  Yes  No
- 4. Are you a primary or secondary education institution?  Yes  No
- 5. Are you a nonprofit entity that engages in an established curriculum-related clinical training of students registered at such an institution?  Yes  No

**Part 5. L-1 Qualifying Relationship and Doing Business Requirements**

List all U.S. and foreign parent, branches, subsidiaries, and affiliates to be considered when determining whether the "qualifying relationship" and "doing business" requirements have been met for purposes of the L-1 classification. Attach separate sheets of paper if additional space is needed.

- 1. Company or Organization Name

- 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. Province

- 2.h. Postal Code

- 2.i. Country

- 3. Relationship to Applicant

- 4. Company or Organization Name

- 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

- 5.f. ZIP Code

- 5.g. Province

- 5.h. Postal Code

- 5.i. Country

- 6. Relationship to Applicant

- 7. Company or Organization Name



**Part 5. L-1 Qualifying Relationship and Doing Business Requirements (continued)**

8.a. In Care Of Name  
[ ]

8.b. Street Number and Name [ ]

8.c.  Apt.  Ste.  Flr. [ ]

8.d. City or Town [ ]

8.e. State [ ] 8.f. ZIP Code [ ]

8.g. Province [ ]

8.h. Postal Code [ ]

8.i. Country [ ]

9. Relationship to Applicant [ ]

10. Company or Organization Name  
[ ]

11.a. In Care Of Name  
[ ]

11.b. Street Number and Name [ ]

11.c.  Apt.  Ste.  Flr. [ ]

11.d. City or Town [ ]

11.e. State [ ] 11.f. ZIP Code [ ]

11.g. Province [ ]

11.h. Postal Code [ ]

11.i. Country [ ]

12. Relationship to Applicant [ ]

13. Company or Organization Name  
[ ]

14.a. In Care Of Name  
[ ]

14.b. Street Number and Name [ ]

14.c.  Apt.  Ste.  Flr. [ ]

14.d. City or Town [ ]

14.e. State [ ] 14.f. ZIP Code [ ]

14.g. Province [ ]

14.h. Postal Code [ ]

14.i. Country [ ]

15. Relationship to Applicant [ ]

16. Is there a qualifying relationship between your organization and each of the entities listed above?  Yes  No

17. Does your organization and all those listed above meet the "doing business" requirement for the L-1 classification?  Yes  No

**Part 6. E-13 Qualifying Relationship, Multinational and Doing Business**

List all U.S. and foreign parent, branches, subsidiaries, and affiliates to be considered when determining whether the "qualifying relationship," "multinational" and "doing business" requirements have been met for purposes of the E13 classification. Attach a separate sheets of paper if additional space is needed. If these entities are the same as those listed above for the L-1 classification, type or print "same as above."

1. Company or Organization Name  
[ ]

**Part 6. E-13 Qualifying Relationship,  
Multinational and Doing Business (continued)**

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. Province

2.h. Postal Code

2.i. Country

3. Relationship to Applicant

4. Company or Organization Name

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

5.f. ZIP Code

5.g. Province

5.h. Postal Code

5.i. Country

6. Relationship to Applicant

7. Company or Organization Name

8.a. In Care Of Name

8.b. Street Number  
and Name

8.c.  Apt.  Ste.  Flr.

8.d. City or Town

8.e. State

8.f. ZIP Code

8.g. Province

8.h. Postal Code

8.i. Country

9. Relationship to Applicant

10. Company or Organization Name

11.a. In Care Of Name

11.b. Street Number  
and Name

11.c.  Apt.  Ste.  Flr.

11.d. City or Town

11.e. State

11.f. ZIP Code

11.g. Province

11.h. Postal Code

11.i. Country

12. Relationship to Applicant

**Part 6. E-13 Qualifying Relationship, Multinational and Doing Business (continued)**

13. Company or Organization Name
- 14.a. In Care Of Name
- 14.b. Street Number and Name
- 14.c.  Apt.  Ste.  Flr.
- 14.d. City or Town
- 14.e. State  14.f. ZIP Code
- 14.g. Province
- 14.h. Postal Code
- 14.i. Country
15. Relationship to Applicant
16. Is there a qualifying relationship between your organization and each of the entities listed above?  Yes  No
17. Does your organization and all of those listed above meet the "multinational" requirement for the E-13 classification?  Yes  No
18. Has your organization been doing business for at least one year prior to the filing of this application?  Yes  No
19. Are the related foreign entities listed above doing business?  Yes  No

**Part 7. E-12 Private Employer Requirements**

1. Are you a department, division, or institute of a private employer?  Yes  No

If you answered "Yes" to Item Number 1. above, answer the following:

- 2.a. Do you employ at least three persons full-time in research positions?  Yes  No
- 2.b. Do you have achieved documented accomplishments in an academic field?  Yes  No

**Part 8. E-12 and E-13 Ability to Pay**

1. Do you have the ability to pay the wage offered to individual beneficiaries on Form I-140?  Yes  No

NOTE: If you are unable to establish your viability and overall financial standing based upon the totality of your organization's circumstances, your ability to pay the wages offered to individual beneficiaries cannot be approved through the Known Employer program. However, you may still submit evidence to establish your ability to pay the wage offered to an individual beneficiary with a Form I-140.

**Part 9. H-1B Company Information Uploaded**

Documents providing information about your organization and its operations may be used in support of the adjudication of individual H-1B petitions.

1. Have you uploaded documents to the Known Employer Document Library which provide information about your organization, its operations and/or its proposed activities in the United States?  Yes  No

**Part 10. TN Company Information Uploaded**

Documents providing information about your organization and its operations may be used to support the adjudication of individual TN applications.

1. Have you uploaded documents to the Known Employer Document Library which provide information about your organization, its operations and/or its proposed activities in the United States?  Yes  No

**Part 11. Statement, Contact Information, Certification, and Signature of the Applicant or Authorized Signatory**

NOTE: Read the information on penalties in the Form I-950, Instructions, Penalties section before completing this Part.

**Applicant's or Authorized Signatory's Statement**

NOTE: If applicable, select the box for Item Number 1.

1.  At my request, the preparer named in Part 12., , prepared this application for me based only upon information I provided or authorized.

**Part 11. Statement, Contact Information, Certification, and Signature of the Applicant or Authorized Signatory (continued)**

**Authorized Signatory's Contact Information**

- 2.a. Authorized Signatory's Family Name (Last Name)
- 2.b. Authorized Signatory's Given Name (First Name)
- 3. Authorized Signatory's Title
- 4. Authorized Signatory's Daytime Telephone Number
- 5. Authorized Signatory's Mobile Telephone Number (if any)
- 6. Authorized Signatory's Email Address (if any)

**Applicant's or Authorized Signatory's Certification**

Copies of any documents submitted are exact photocopies of unaltered, original documents, and I understand that, as the applicant, I may be required to submit original documents to U.S. Citizenship and Immigration Services (USCIS) at a later date.

I authorize the release of any information from my records, or from the applying organization's records, that USCIS needs to determine eligibility for the immigration benefit sought. I recognize the authority of USCIS to conduct audits of this application using publicly available open source information. I also recognize that USCIS may verify any supporting evidence submitted in support of this application through any means determined appropriate by USCIS, including but not limited to, on-site compliance reviews.

If filing this application on behalf of an organization, I certify that I am authorized to do so by the organization.

I certify, under penalty of perjury, that I have reviewed this application, and that I have provided or authorized all of the information contained in the application, including all responses to specific questions. I understand all of the information contained in, and submitted with my application, and that all of this information is complete, true, and correct.

**Applicant's or Authorized Signatory's Signature**

- 7.a. Signature of the Applicant or Authorized Signatory
- 7.b. Date of Signature (mm/dd/yyyy)

**NOTE TO ALL APPLICANTS AND AUTHORIZED SIGNATORIES:** If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may delay a decision on or deny your application.

**Part 12. Contact Information, Statement, Certification, and Signature of the Person Preparing this Application, if Other Than the Applicant**

Provide the following information about the preparer.

**Preparer's Full Name**

- 1.a. Preparer's Family Name (Last Name)
- 1.b. Preparer's Given Name (First Name)
- 2. Preparer's Business or Organization Name (if any)

**NOTE:** If applicable, provide the name of your accredited organization recognized by the Board of Immigration Appeals (BIA).

**Preparer's Mailing Address**

- 3.a. Street Number and Name
- 3.b.  Apt.  Ste.  Flr.
- 3.c. City or Town
- 3.d. State  3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

**Preparer's Contact Information**

- 4. Preparer's Daytime Telephone Number
- 5. Preparer's Mobile Telephone Number (if any)
- 6. Preparer's Email Address (if any)

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**Part 12. Contact Information, Statement, Certification, and Signature of the Person Preparing this Application, if Other Than the Applicant (continued)**

**Preparer's Statement**

- 7.a.  I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b.  I am an attorney or accredited representative and my representation of the applicant in this case  extends  does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative whose representation extends beyond preparation of this application, you may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

**Preparer's Certification**

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant or authorized signatory. The applicant then reviewed this completed petition and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the Applicant's or Authorized Signatory's Certification, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

**Preparer's Signature**

8.a. Preparer's Signature

8.b. Date of Signature (mm/dd/yyyy)