

Information and Documentation to be Submitted to UC International Services for Preparation of the I-140 Immigrant Petition and I-485 Application to Adjust Status to Permanent Resident following Labor Certification Approval

The I-140 petition

Once the Labor Certification Application is approved by the U.S. Department of Labor, the I-140 petition can be filed with USCIS. The I-140 petition is the University of Cincinnati's request for an immigrant visa based upon the position for which labor certification was approved. In order to prepare the I-140, the following should be provided to UC International Services:

1. The Foreign National should provide the biographical and immigration status information requested on the attached I-140 in Part 3, Part 4 (Questions 1 and 2) and Part 7.
2. A copy of the front and back of the current I-94 card
3. A copy of the most recent visa issued
4. A copy of all USCIS/Department of Homeland Security/Department of State documentation evidencing the immigration status currently and if applicable, the immigration status previously held by the Foreign National, i.e., each and every I-20, DS-2019, IAP-66, I-797 Approval Notice and visa
5. A copy of the Foreign National's academic degree and related transcript; a copy of the related translation and credentials evaluation is needed if the degree was earned at a foreign institution. NOTE: Any documents not in English must be translated and accompanied by a translator's statement as follows: I, _____, hereby certify that I am competent to translate from the _____ language into English and that the attached is an accurate translation of the original document.
Name: _____
Title: _____
Address: _____
6. A current CV
7. If prior experience was required for the position, an employment verification letter for each position which shows the employee meets the minimum requirements. The letter must be on the employer's letterhead, identify the author by name and title, provide the exact employment dates, for example June 1, 2004 to June 12, 2007, not June, 2004 to June, 2007, state the exact job title and provide a specific description of the job duties.
8. Check for \$700.00 made payable to the Department of Homeland Security for the USCIS filing fee (The filing fee may be paid by the Foreign National or the hiring UC Department.)

An I-140 petition can be filed at any time following approval of the Labor Certification Application. Current immigration law allows filing of the Foreign National's I-485 Application simultaneously with the I-140 if the immigrant visa priority date is current. For green card

applications requiring labor certification, the priority date is the date on which the Labor Certification Application is received by the Department of Labor. Information concerning priority dates is disseminated by the U.S. Department of State on the 15th day of each month via the Visa Bulletin.

At the time you meet with UC International Services to sign the approved Labor Certification Application, we will advise as to the status of the priority date for your case. If your priority date is not current, you should monitor the Visa Bulletin at <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html> and contact UC International Services once your priority date becomes current.

The I-485 Application

An I-485 application, the final step in the green card process, is the Foreign National's personal application to adjust their immigration status to permanent resident. As noted above, this application cannot be filed if the priority date is not current. It is also important to note that once an I-485 is filed, it cannot be approved if the priority date retrogresses while it is pending.

Some of the required documentation and information, such as a birth certificate or information specific to parents, can take some time to obtain. Thus, even if the priority date is not current, it is recommended that the Foreign National begin collecting as much documentation and information as possible and download the applicable forms from the USCIS website and save them in a pdf format in order to be in a position to file the I-485 application as soon as possible once the priority date becomes current.

In order to prepare the I-485, the following should be provided to UC International Services:

1. **A completed Form I-485** (<http://www.uscis.gov/files/form/i-485.pdf>) – you may download this form and save it as a pdf document.
2. **A completed Form G-325A** (<http://www.uscis.gov/files/form/g-325a.pdf>) - you may download this form and save it as a pdf document. All four pages must be completed, even though they are identical.
3. **Two passport-style photographs** taken per the attached USCIS specifications – photos must be no older than 30 days at the time of filing.
4. **Sealed envelope containing results of a medical examination** – this exam must be conducted by a designated USCIS approved civil surgeon, a listing of such physicians is available at <https://my.uscis.gov/findadoctor>. If you have vaccination records, they should be presented to the physician at the time of the appointment to avoid having to be re-vaccinated. Applicants should schedule the medical examination as close as possible to the time the I-485 Adjustment of Status is filed. Discuss the timing of the medical examination with UC International Services because the results remain valid for a limited amount of time, generally only 12

months. If for some reason the I-485 application remains pending for more than 12 months, USCIS generally accepts the exam results as long as they were valid at the time of filing. The results are recorded by the physician on USCIS Form I-693, which can be accessed at <http://www.uscis.gov/files/form/I-693.pdf>. It should not be necessary for you to provide this form to the physician because most likely he or she already has this form available at their office.

- 5. Copy of current I-94 card (front and back) and visa**
- 6. Complete copy of all passports, even blank pages**
- 7. Summary of non-immigrant visa history with supporting documentation** – we will prepare the summary, but you will need to provide a copy of the supporting documentation, such as all I-94 cards, USCIS approval notices
- 8. Copy of birth records and related translations** – USCIS requires that the birth record must identify the child and both parents and be recorded within close proximity to the date of birth. If there is difficulty in obtaining such a document, please contact UC International Services to discuss secondary evidence of birth such as affidavits, church records or school records.
- 9. Letter from the sponsoring employer verifying continuing availability of the position described in the I-140** – UC International Services will draft this letter for signature by the department near the date of the I-485 filing.
- 10. Check for \$1,225.00** made payable to the Department of Homeland Security for the USCIS filing fee (The filing fee may be paid by the Foreign National or the hiring UC Department.) and includes the USCIS biometrics fee.

If the Foreign National has a spouse and/or dependent children under age 21 for whom a green card is needed, a separate I-485 application and the supporting documentation outlined above is required for each such applicant. Please note that if a spouse is to be included, a copy of the marriage certificate and divorce decrees for any prior marriages of either party, along with the related translations is required.

With respect to children under the age of 14, the Form G-325A and biometrics fee are not required and the I-485 filing fee is \$750.00.

UC International Services recommends that I-485 applicants holding H-1B status maintain their non-immigrant status during the green card process. However, if that is not possible, or dependents want to obtain an Employment Authorization Document, we will discuss the I-765 (EAD) application and I-131 Advance Parole applications as needed.