



U.S. Citizenship
and Immigration
Services

Fact Sheet

June 30, 2006

UPDATED BI-SPECIALIZATION FILING INSTRUCTIONS

Phase 1 and Phase 2 Filing Instructions

Washington, DC – U.S. Citizenship and Immigration Services (USCIS) today announced changes to the filing procedure for employment-based applications for lawful permanent resident status. **Starting on July 24th**, all applicants filing an Application to Adjust Status or Register Permanent Residence (Form I-485), based on a pending or approved Immigrant Petition for Alien Worker (Form I-140), also referred to as a “standalone filing”, should mail that form directly to the Nebraska Service Center. Applicants should file accompanying forms (e.g., Form I-131, Application for Travel Document, and/or Form I-765, Application for Employment Authorization) at this same centralized location.

This change marks the second phase of Bi-Specialization, the USCIS initiative to implement centralized filing and bi-specialized adjudications. Through this effort, USCIS is aligning similar workloads between two “sister” service centers. The Vermont Service Center (VSC) and California Service Center (CSC) constitute one Service Center pairing, while the Texas Service Center (TSC) and the Nebraska Service Center (NSC) constitute the other. Pairing work between service centers will allow USCIS to better manage cases and improve customer service.

On April 1st USCIS launched the first phase of bi-specialization, which included amended filing instructions for a Form I-485 that is filed concurrently with a Form I-140. Specifically, USCIS directed that, as of April 1st, these concurrent I-140/I-485 filings be submitted to the Nebraska Service Center. With the amended filing instructions for standalone I-485 filings that take effect on July 24th for phase 2 of Bi-Specialization, the filing of all employment-based Forms I-485 will be centralized at the Nebraska Service Center. Standalone I-485 filings submitted before July 24th to the location where Form I-140 was pending or had already been approved, according to the filing instructions in effect at that time, will generally be processed to completion by the center where they were received.

To launch phase 2 of Bi-Specialization, USCIS has revised the I-485 filing instructions and has designated the Nebraska Service Center/Texas Service Center pairing to process employment-based adjustment of status applications (and related applications). Although the Nebraska Service Center serves as the centralized filing location, some petitioners/applicants will receive a filing receipt from the Texas Service Center, if the case is

worked by that center. The Center that generates the Forms I-140/I-485 receipt notices will be the Center that actually adjudicates the case. Customers should pay close attention to their filing receipt, because the service center that generates the receipt notice is the center that will complete the adjudication.

USCIS has amended the instructions for Form I-485 to reflect the change of filing location. This form, located on [USCIS.gov](https://uscis.gov), now reflects a new revision date; however, the content of the form has not changed and the previously valid versions of this form remains acceptable. Customers who have already prepared filings can use this form without change and are only asked to mail them to the centralized locations. Customers who fail to learn of these new instructions and file in a previously appropriate location will not be disadvantaged. Until further notice, USCIS will not reject applications or petitions filed at an incorrect Service Center. Instead, USCIS will accept the filing, redirect it to the correct location, and honor the initial receipt date.

SUMMARY OF PHASE 1 AND PHASE 2 AMENDED FILING INSTRUCTIONS AND HANDLING PROCEDURES

VSC/CSC Pairing for Form I-129 Processing (and Related, Concurrent Applications)

- **General Filing Instructions:** The VSC/CSC pairing handles all Forms I-129, Petition for Nonimmigrant Worker, with the Vermont Service Center serving as the filing location. When Form I-539, Application to Extend/Change Status, for a dependent spouse or child accompanies the principal's Form I-129, the entire package is filed with the Vermont Service Center. If Form I-765, Application for Employment Authorization Document, is filed for an E or L dependent together with the I-129/I-539 package, the entire I-129/I-539/I-765 package is filed with the Vermont Service Center. Concurrently filed applications for dependent family members will not be separated.

- **Processing Information:** Although the filing location for Form I-129 is the Vermont Service Center, some petitioners/applicants will receive a filing receipt from the California Service Center, if the case is worked by that Center. The Center that generates the receipt notice will be the Center that actually adjudicates the case. USCIS will not reject applications or petitions filed at an incorrect Service Center but instead will forward the entire package to the appropriate Service Center for processing. This "no rejection" policy will be extended to those petitions that are inadvertently filed with the California Service Center, if the requested classification is one that the California Service Center normally processes under the CSC-VSC Bi-Specialization pairing.

NOTE: Petitioners filing Form I-907 to request Premium Processing Services for eligible Form I-129 categories should file Form I-907 directly with the specific Service Center handling the requested classification, according to the work distribution chart below. Instructions on the Form I-907 have been amended, accordingly.

- **CSC/VSC Work Distribution For Form I-129:** The VSC/CSC pairing is currently processing Form I-129 according to the requested classification, as shown below:

California Service Center	Vermont Service Center
<p><u>Initial and Extension</u> E-1, E-2 O-1 (except for Major League Sports) and O2 P-1 and P-1S support personnel (for entertainment groups only); P-2 and P-2S support personnel; P-3 and P-3S support personnel Q-1 R-1</p> <p><u>Extension Only</u> H-1B</p>	<p><u>Initial Only</u> H-1B (all subcategories)</p> <p><u>Initial and Extension</u> E-3 Australian Free Trade H-1B1 (Singapore Chile Free Trade only) H-2A, H-2B, and H-3 L-1A, L-1B, and L-Blanket O-1 (for Major League Sports only)* P-1 and P-1S (for Major League Sports only)* TN-1 and TN-2</p>

* Major league athletes in baseball, hockey, soccer, basketball and football. Support personnel includes: coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters.

- **Amended Form I-539 Filing Address for E, H, L, O, P, R, and TD Dependents:** The dependent spouse and children of a principal E, H, L, O, P, R, or TN nonimmigrant should note the following instructions when filing Form I-539 to change their nonimmigrant status or extend their stay:
 - **Dependents filing together with the principal:** The entire I-129/I-539 package for the principal and the dependents should be filed with the Vermont Service Center.
 - **Dependents filing separately from the principal:** If the principal's Form I-129 is still pending, the Form I-539 package for the dependent(s) should be filed with the same Service Center where the principal's Form I-129 is pending. Include a copy of the receipt notice for the principal's pending Form I-129. If the principal's Form I-129 has already been approved and the principal's status has already been changed or extended, the Form I-539 package for the dependent(s) should be filed with the Vermont Service Center. Include a copy of the approval notice and evidence of the principal's current, unexpired status.
- **Continuation of Existing Filing Instructions for Other I-539 Applicants:** The filing instructions on Form I-539 for principals and dependents in all other nonimmigrant categories have not yet changed. Until further notice, these applicants should continue filing Form I-539 according to the instructions on the form.

TSC/NSC Pairing for Forms I-140 and Employment-Based Forms I-485, and Related Applications

- **Employment-Based Form I-485 Filing Information:** The TSC/NSC pairing handles all Forms I-140, Immigrant Petition for Alien Worker, and employment-based Forms I-485, Application to Adjust Status or Register Permanent Residence, including concurrent filings and standalone filings. Applicants who wish to include a request for advance parole and/or employment authorization with the I-140/I-485 filing should also include Form I-131, Application for Travel Document, and Form I-765, Application for Employment Authorization, in the same package. Applicants who wish to submit a request for advance parole and/or employment authorization after filing the I-485 should send the application to the Center that generated the receipt for the initial I-485 filing.
- **Tips on Establishing Filing Eligibility for Stand-Alone Employment-Based Forms I-485:** All adjustment of status applicants must establish that they are eligible to receive an immigrant visa when they file Form I-485. This means that their priority date must be “current,” or reached on the Department of State’s Visa Availability Bulletin. For employment-based adjustment of status applicants, the priority date is established on the date the Department of Labor initially receives the labor certification application (if labor certification is required) or the date that Form I-140 is filed with USCIS (if no labor certification is required or if labor certification is waived). The priority date is recorded on the I-140 approval notice. Employment-based adjustment of status applicants filing Form I-485 based on an approved Form I-140 should include a copy of the I-140 approval notice. Employment-based adjustment of status applicants filing Form I-485 based on a *pending* Form I-140 can either: include a copy of the I-140 receipt notice, if labor certification is not required or copies of the I-140 receipt notice and the page of the Department of Labor certification showing the priority date, if labor certification is required. Including these documents will greatly facilitate acceptance and processing of the adjustment of status application.
- **Other I-485 Filing Addresses:** The filing instructions for Forms I-485 that are normally filed with the Lock Box or with a local USCIS office (District or Sub-Office), or that are already centralized at the Nebraska Service Center (*i.e.*, refugee and asylee adjustment of status applications) have not changed. Until further notice, applicants should continue filing all other Forms I-485 according to the instructions on the form including the “Direct Mail Instructions for Persons Filing I-485.”

TSC/NSC Workload Distribution: The TSC/NSC pairing does not distribute Form I-140 or Form I-485 workloads according to preference category. Instead, work is distributed every day or sometimes every other day, depending on the volume of receipts. Although the filing location is the Nebraska Service Center, some petitioners/applicants will receive a filing receipt from the Texas Service Center, if the case is worked by that center. The Center that generates the Forms I-140/I-485 receipt notices will be the Center that actually adjudicates the case.

Form I-765 Filing Address

- **Adjustment of Status Applicants:** Form I-765 should be mailed to the same Service Center where Form I-485 is filed or is currently pending.

- **E and L Dependents:** Form I-765 should be mailed to the same location processing the underlying I-129/I-539 filing.

Specific Filing Addresses for all Form Types

To obtain the filing addresses for these form types, please visit the USCIS website at:
<http://uscis.gov/graphics/formsfee/forms/index.htm>.

USCIS –

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing our nation's security.