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I-140 Approved Following RFE ? Beneficiary Living Outside the U.S.

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Submitted by Chief Editor on Jan 30th 2013

We filed an I-140 application in which the beneficiary was no longer working for the employer and was living outside the U.S. We included fairly standard supporting documents. To show the employer's ability to pay the offered wage, we submitted federal tax returns and a W-2 from the preceding year. To show the beneficiary's qualifications, we submitted a copy of his degree and affidavits from previous supervisors and co-workers with supporting documents. USCIS issued a Request for Evidence (RFE) that called into question both the employer's ability to pay the offered wage and the beneficiary's qualifications.

The RFE challenged that the submitted W-2 did not belong to the beneficiary, and that evidence of the employer's ability to pay the full wage from the priority date onward was required. With additional documentation and a thorough legal response, we proved that the W-2 wages were paid to the beneficiary and that the employer did indeed have the means to pay the offered salary at all times in question. In regards to the beneficiary's qualifications, USCIS requested official letters from the beneficiary's previous employers. The beneficiary was able to procure letters showing part of his required experience, and we addressed the other concerns with affidavits and other thorough supporting documentation. With the submitted evidence and our legal arguments, USCIS approved the I-140 application, and the beneficiary was able to obtain an H-1B extension based on the approval.

Green Card:

[Form I-140](#) ^[2]

Immigration Law :

[RFE](#) ^[3]

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Links:

[1] <https://immigration.com/sample-cases/form-i-140/i-140-approved-following-rfe-%E2%80%93-beneficiary-living-outside-us>

[2] <https://immigration.com/greencard/green-card/form-i-140>

[3] <https://immigration.com/law/immigration-law/rfe>