

**From:** Ron Gotcher [jrg@gotcherlaw.com]  
**Sent:** Tuesday, May 05, 2009 11:19 AM  
**To:** REGS, RFS

**Subject:** Form I- 140, Immigrant Petition for Alien Worker; OMB Control Number 1615-0015

I wish to comment on one aspect of your proposed change to form I-140. You propose to split the contents of item e in Part 2 on Page 1 of the current form. I believe that this is a mistake and will only lead to confusion, delays, and inappropriate denials. Effectively, there is no difference between the employment based third preference sub-categories for “professionals” and “skilled workers.” That is, other than the different definitions of these sub-categories, there is no other functional difference. They share a combined quota. It does not matter if a beneficiary falls into one sub-category or the other – the visa is charged against the same quota in either case.

The problem that we saw when these categories were separated on form I-140 previously was that CIS adjudicators, ever eager to nit pick, would pounce on an error by a petitioner and deny the petition if “professional” was checked instead of “skilled worker.” Since there is no functional difference between the two categories, why invite confusion and possible inadvertent mistakes by separating them again. I see no useful purpose served by separating these sub-categories, but do see the potential for considerable harm.

James R. Gotcher | **Gotcher & Gotcher, LLP** | 15300 Ventura Boulevard, Suite 507  
Sherman Oaks, California **91403** | Tel 818 990-4922 | Fax 818 804-4074 | [www.gotcherlaw.com](http://www.gotcherlaw.com)

This email is confidential, privileged and/or attorney work product for the sole use of the intended recipient.

\_\_\_\_\_ Information from ESET Smart Security, version of virus signature database 4053  
(20090505) \_\_\_\_\_

The message was checked by ESET Smart Security.

<http://www.eset.com>