

EB-1A PETITION – ALIENS OF EXTRAORDINARY ABILITY OR ACHIEVEMENT

The employer based first preference “extraordinary ability” immigrant visa petition category is a possibility for aliens of extraordinary ability in the sciences, art, education, business, or athletics who have extraordinary ability and are coming to the U.S. to work in their area of extraordinary ability.

The USCIS definition of extraordinary for an immigrant visa is: “one of the small percentage of persons who has risen to the very top of their field of endeavor”, who has attained “sustained national or international acclaim” and whose “achievements have been recognized in the field of expertise.” To demonstrate qualification under this high standard, USCIS regulations require evidence of either a one-time achievement such as a major, internationally recognized award (i.e. a Nobel Prize), **or** evidence of at least three of the following:

- Receipt of lesser nationally or internationally recognized prizes or awards for excellence;
- Evidence of membership in associations in the field which require outstanding achievements of their members;
- Published material in professional publications regarding the individual, relating to work in the field for which classification is sought;
- Evidence of participation as the judge of the work of others;
- Evidence of original scientific and scholarly contributions of major significance;
- Evidence of authorship of scholarly articles in the field in professional publications;
- Evidence of performance of a leading and critical role for organizations and establishments that have a distinguished reputation.

Detailed reference letters from other prominent figures in the field are needed to support the claim of eligibility. In addition to the above-mentioned criteria, USCIS regulations contain a “catch-all” category in which the Employer may “submit other comparable evidence” if the above standards do not apply to his/her particular field. It is also important to note that the above-mentioned criteria only apply to aliens of extraordinary ability in science, business, education and athletics. A separate set of standards applies to aliens in the arts.

In order to qualify, the applicant must demonstrate that he or she is coming to the U.S. to work in the area of extraordinary ability and that the alien meets the criteria required to demonstrate extraordinary ability. An extraordinary ability immigrant visa petition, **unlike** other work-related visa petitions, can be filed by an individual on his or her own behalf, however a job offer or contracts are required to demonstrate prospective work in the area of extraordinary ability.