

Extraordinary Ability Immigrant Visa

The first employment-based classification is the “priority worker” including individuals of extraordinary ability.

Individuals of “Extraordinary Ability”

This classification includes persons with “extraordinary ability in the sciences, arts, education, business or athletics.”

The Beneficiary must provide “extensive documentation” that the beneficiary’s extraordinary ability has received “sustained national or international acclaim.” Evidence includes receipt of any **three** of the following:

1. Receipt of lesser national or internationally recognized prizes or awards;
2. Membership in association in the field requiring outstanding achievement as judged by recognized experts;
3. Published material about the foreign national in professional, major trade publications or other major media;
4. Participation as a judge of the work of others;
5. Original scientific, scholastic, artistic, athletic or business-related contributions of major significance;
6. Authorship of scholarly articles in the field;
7. Artistic exhibitions;
8. Performance in leading roles for organizations with distinguished reputations;
9. High salary or remuneration in relation to others in the field; and
10. Commercial success in the performing arts as shown by box office receipts or recorded media sales or video sales.

This list outlines all acceptable documentation required. Some of these categories will not relate to the specific extraordinary foreign national, however, if the individual can qualify in **at least three** of these categories, then EB-1(1) immigrant visa status may be approved.

There is a provision that alternative documentation can be submitted if the listed categories do not apply to the particular applicant. **It is important to submit all relevant documentation that can be obtained.** Letters from professional colleagues who are themselves leaders in the field carry strong credibility. Any such letter should be on the letterhead of the institution with which the writer is associated, should state the writer's credentials to make an expert opinion and, if possible, should be accompanied with a curriculum vitae.

This immigrant visa category does **not** require a specific offer of employment. However, such an offer of employment will of course show that the applicant intends to continue work in his or her area of expertise. This is a requirement for extraordinary ability worker status. It is important to show that the approval of the status for the applicant will substantially benefit the United States.

Under this category, extraordinary ability foreign nationals who are traditionally self-employed or whose area of expertise does not usually lead to permanent full-time employment can be admitted to the U.S. as a lawful permanent resident. Examples of petitions that have been approved include world-renowned musicians, artists, authors, medical researchers, photographers, coaches (tennis, soccer, diving, taekwondo) and professional athletes including greyhound trainers.

The key to success in this petition is the documentation that the individual is recognized as one of the top individuals in their respective fields. The USCIS has been reasonable in evaluating, properly documented cases. The decision on this type of petition will be made in a relatively short period of time. However, it is *sometimes* advisable to begin a PERM labor certification and file the EB-1(1) petition at the same time. If the extraordinary ability petition is not approved, no time is lost for a labor certification.

Fong•Ilagan, LLP works with clients to simplify the immigrant visa process. To schedule an in-depth analysis for EB-1(1) eligibility, please contact our office at 713.772.2300.