

Outstanding Professors and Researchers

The employment-based permanent residence category for **outstanding professors and researchers** EB-1(2) is *exempt* from labor certification. The U.S. employer must document that the professor or researcher is outstanding in their academic field. Outstanding is not defined in the regulations; however there is another category for aliens of extraordinary ability, which is a much higher level of expertise. Extraordinary ability is defined as a level of expertise indicating that the individual is one of a small percentage who has risen to the very top of the field of endeavor. Therefore, outstanding must fall somewhere between average and extraordinary ability.

There are provisions for teaching or research performed as part of an advanced degree program as part of the three years experience to qualify for this visa category; the standard should be available to new Ph.D. graduates if the other criteria are met.

Evidence of qualifications must include documentation that the researcher or professor is **recognized internationally** as outstanding in the field. To show this, documentation in as least **two** of the following areas must be submitted:

1. Documentation of receipt of major prizes or awards for outstanding achievement in the academic field;
2. Documentation of membership in associations in the academic field, which require outstanding achievements of their members;
3. Published material in professional publications written by others about the applicants work in the field. Such material shall include the title, date, and author of the material, and translations;
4. Evidence of participation, either individually or on a panel, as the judge of the works of others in the same or an allied academic field;
5. Evidence of original scientific or scholarly research contributions to the academic field;
6. Evidence of authorship of scholarly books or articles in scholarly journals with international circulation in the academic field.

The petitioner must provide evidence that the employee has at least **three years of experience in research or teaching in the academic field**. Experience acquired while working on an advanced degree will be acceptable if the individual acquired the degree and the research or teaching conducted toward the degree is recognized within the academic field as outstanding. This is in the form of letters from recognized experts including the author's title, address and specific description of the research or teaching duties performed for at least a three-year period. Documentation of at least three years of research or teaching experience is basic to eligibility for this visa category.

A final requirement is an offer of employment from either a U.S. university or institution of higher learning offering a **permanent** research or teaching position in the alien's academic field or an offer from a department, division, or institute of a private employer that employs at least three persons in full-time research positions offering the alien a permanent research position. Permanent is defined as a position that is tenured, tenure-track, or for a term of indefinite duration in which the employee will ordinarily have an expectation of continued employment unless there is good cause for termination.

Although preparing the necessary documents takes some time, the benefit of the EB-1(2) category is that no PERM recruitment is required. Since the lengthy period for labor certification is avoided if successful, the alien employee should be able to obtain permanent resident status much sooner.

Document List

1. Detailed C.V. or résumé and list of publications
2. Educational documents with English translations
 - Diplomas
 - Transcripts
 - Certificates for additional courses taken
3. Awards, honors, prizes, certificates of achievement, etc. in the academic field (with English translation) supported by information or documentation describing the significance of the award and the entity conferring the award
4. Published articles in scholarly journals and books written, copy of book cover and inside page
5. Letters of reference describing the outstanding nature of your work and your contribution to the academic field and the résumé or C.V. of the letter writer
6. Letters verifying three (3) years of work experience in the field
7. Proof of professional association membership
8. Documentation verifying participation as a judge of the work of others in the academic field (Ph.D. defense, M.S. thesis, judge of articles for publication or papers presented at conferences)
9. Published articles written by others about your work

Fong•Ilgan, LLP works with clients to simplify the immigrant visa process. Please contact our office at 713.772.2300 to discuss your case with an experience, board certified attorney.