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EB-1 Green Card for Aliens with Extraordinary Ability

In U.S. immigration law, there are three employment based categories for green cards.

The first category, called EB-1, is for Priority Workers. Priority workers include aliens with extraordinary ability, outstanding professors and researchers, and multinational executives and managers (the term “alien” means a person who is not a U.S. citizen).

The second category, called EB-2, is for professional workers with advanced degrees or aliens with exceptional ability. We have provided more information about these terms below. In general, the government generally views “exceptional ability” under the EB-2 category to be less difficult to prove compared to “extraordinary ability” under the EB-1 category.

The third category, called EB-3, is for professional, skilled, and unskilled workers.

The procedure for filing an EB-1 green card is different than for an EB-2 or EB-3 green cards. Unlike the EB-2 and EB-3 categories, an EB-1 applicant is not required to complete a process called “Labor Certification” *before* it submits the green card application. This can save the applicant more than six months in overall processing times. If the applicant is already in the U.S., he or she will also be able to get a temporary work card and travel document while the application is pending.

If the EB-1 green card applicant is applying as an alien with extraordinary ability (rather than as a multinational executive or outstanding professor or researcher), then the applicant does not have to show a specific employer or job offer in the application. The applicant only must prove that he or she will continue to work in the field after the green card is approved.

The EB-1 application consists of two parts. The first part is called the I-140 petition. More information about the I-140 petition is provided below. The second part is a background check in which the applicant and his family members must prove that they do not have prior immigration or criminal violations or other problems that would make them ineligible for the green card. The two parts can be submitted simultaneously.

The purpose of the I-140 petition is to prove that the applicant qualifies as an alien with extraordinary ability. This is a difficult standard to meet. The I-140 petition generally consists of the following sections:

PART 1: INFORMATION ABOUT ALIEN'S FIELD OF ENDEAVOR

In this section, we must explain the applicant's field of expertise to prove that he is among the very best. It is best to define the field narrowly. Otherwise, the USCIS might compare the alien to group that is too large and inclusive. For example, it is easier to prove that the applicant is one of the world's foremost experts in Alsatian Cooking, than it is to prove that he or she is one of the finest chef's in all food specialties. Likewise, it is easier to prove that a golf instructor is one of the finest coaches with junior athletes, than it is to prove that he or she is one of the best coaches in the entire sport.

PART 2: BACKGROUND INFORMATION ABOUT ALIEN

In this section, we must explain the applicant's entire history in the field. We begin by explaining how he or she became involved in the field and then explain how the applicant's qualifications improved over the years.

To complete this section, we need extremely detailed information about the alien's education, training, work experience and other qualification.

We suggest a resume that includes all of the following information:

- a. Education and Specialized Training (include **month and year** started and ended each education experience after high school, including university education AND any seminars or training workshops related to your field)
- b. Work Experience (include **month and year** started and ended each job, job title, summary of job duties—please try to have the dates match your immigration history)
- c. Seminar Participation (include name and date of any seminars or workshops in which you were a *speaker or presenter to other people* working in your field)
- d. Association Memberships, Licenses, Certifications, and other Professional Credentials (list the name of the association or organization, whether you are a simply a member or have some kind of license or special credential from the organization, and list date that you became a member and/or earned your credential).
- e. Most Significant Accomplishments (list your five most significant accomplishments in your field, in other words, the five things in your career that you are most proud of).

PART 3: EVIDENCE OF EXTRAORDINARY ABILITY

A petition for an alien of extraordinary ability must be accompanied by evidence that the alien has sustained national or international acclaim and that his or her achievements have been recognized in the field of expertise. Such evidence shall include evidence of a one-time achievement (that is, a major, international recognized award), *or at least three of the following*:

- (i) Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;

- (ii) Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields;
- (iii) Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation;
- (iv) Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought;
- (v) Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;
- (vi) Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media;
- (vii) Evidence of the display of the alien's work in the field at artistic exhibitions or showcases;
- (viii) Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation;
- (ix) Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field; or
- (x) Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.

PART 4: ALIEN WILL CONTINUE TO WORK IN FIELD OF ENDEAVOR

In this section, we must show evidence that the applicant will continue to work in his field. The best evidence is documentation that shows the applicant is currently working in the field in the U.S. (probably on a temporary visa). The next best evidence would be a written job offer from an employer in the U.S. If neither option is feasible, then we can possibly suggest other alternatives.