

**EXPLORING
EMPLOYMENT BASED
PERMANENT RESIDENCE OPTIONS
FOR RESEARCHERS & SCHOLARS**

EB-1
PERSONS OF EXTRAORDINARY
ABILITY
OUTSTANDING RESEARCHERS &
PROFESSORS

Extraordinary Aliens

- **Aliens with extraordinary ability are those with abilities in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation.**
- **You must be one of "that small percentage who have risen to the very top of the field of endeavor," to be granted this classification.**
(For example, if you receive a major internationally recognized award, such as a Nobel Prize, you will qualify for an EB-1 classification.)
- **Other awards may also qualify if you can document that the award is in the same class as a Nobel Prize.**
- **Since few workers receive this type of award, alternative evidence of EB-1 classification based on at least three of the types of evidence outlined below, is permitted.**
(The worker may submit other comparable evidence" if the following criteria do not apply.)
- Receipt of lesser nationally or internationally recognized prizes or awards for excellence;
- Membership in associations in the field which demand outstanding achievement of their members;
- Published material about the alien in professional or major trade publications or other major media;
- Evidence that the alien has judged the work of others, either individually or on a panel;
- Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance to the field.
- Evidence of the alien's authorship of scholarly articles in professional or major trade publications or other major media;
- Evidence that the alien's work has been displayed at artistic exhibitions or showcases;
- Performance of a leading or critical role in distinguished organizations;
- Evidence that the alien commands a high salary or other significantly high remuneration in relation to others in the field;
- Evidence of commercial successes in the performing arts.

Outstanding Researchers and Professors

- **Outstanding professors and researchers are recognized internationally for their outstanding academic achievements in a particular field.**

- An outstanding professor or researcher must have at least three years experience in teaching or research in that academic area, and enter the U.S. in a tenure or tenure track teaching or comparable research position at a university or other any higher institution of education.
- If the employer is a private company rather than a university or educational institution, the department, division, or institute of the private employer must employ at least three persons full time in research activities and have achieved documented accomplishments in an academic field.

Evidence that the professor or researcher is recognized as outstanding in the academic field must include documentation of at least two of the following:

- Receipt of major prizes or awards for outstanding achievement;
- Membership in associations that require their members to demonstrate outstanding achievements;
- Published material in professional publications written by others about the alien's work in the academic field;
- Participation, either on a panel or individually, as a judge of the work of others in the same or allied academic field;
- Original scientific or scholarly research contributions in the field;
- Authorship of scholarly books or articles (in scholarly journals with international circulation) in the field.

EB-2

ADVANCED DEGREE — EXCEPTIONAL ABILITY
PERMANENT LABOR CERTIFICATION
&
NATIONAL INTEREST WAIVERS

Persons With Advanced Degrees

- **A petition for a foreign professional holding an advanced degree may be filed when the job requires an advanced degree (beyond the baccalaureate) and the alien possesses such a degree or the equivalent.**
- The petition must include documentation, such as an official academic record showing that the alien has a U.S. advanced degree or a foreign equivalent degree, *or* an official academic record showing that the alien has a U.S. baccalaureate degree or a foreign equivalent degree and letters from current or former employers showing that the alien has at least 5 years of progressive post-baccalaureate experience in the specialty.
- Qualified alien physicians who will be practicing medicine in an area of the United States certified by the Department of Health and Human Services as underserved may also qualify for this classification.

In order to be classified as having exceptional abilities in the sciences, arts, or businesses, the individual must provide documentation of three of the following:

- An official academic record showing the alien has a degree, diploma, certificate or similar award from a college, university, school or other institution of learning relating to the area of exceptional ability;
- Letters documenting at least ten years of full-time experience in the occupation being sought;
- A license to practice the profession or certification for a particular profession or occupation;
- Evidence that the alien has commanded a salary or other remuneration for services which demonstrates exceptional ability;
- Membership in professional associations;
- Recognition for achievements and significant contributions to the industry or field by peers, government entities, professional or business organizations.

Permanent Labor Certification

- A permanent labor certification issued by the Department of Labor (DOL) allows an employer to hire a foreign worker to work permanently in the United States.
- In most instances, before the U.S. employer can submit an immigration petition to the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) , then the employer must obtain an approved labor certification request from the DOL.
- DOL must certify to the USCIS that there are no qualified U.S. workers able, willing, qualified and available to accept the job at the prevailing wage for that occupation in the area of intended employment and that employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers.

National Interest Waivers

- An alien may apply for permanent residence status (Green Card) and seek a waiver of the offer of employment by establishing that his/her admission to permanent residence would be in the National Interest.
- There is no rule or statutory standard as to what will qualify an alien for a National Interest Waiver. The USCIS considers each case on an individual basis.
- The procedure is to file the case with evidence to establish that the alien's admission to the United States for Permanent Residence would be in the national interest.

Factors that have been considered in successful cases include:

- The alien's admission will improve the U.S. economy;
- The alien's admission will improve wages and working conditions of U.S. Workers;
- The alien's admission will improve educational and training programs for U.S. children and under qualified workers;
- The alien's admission will provide more affordable housing for young, aged, or poor U.S. residents;
- The alien's admission will improve the U.S. environment and lead to more productive use of the national resources and that their contribution is more significant than a similarly trained US worker;
- The alien's admission is requested by an interested U.S. government agency.