

# **Bordeau Immigration Law, LLC**

9303 W. 75th Street, Suite 210  
Overland Park, Kansas 66204  
(913)432-9994

## **ATTORNEYS**

Judy Bordeau, *licensed in Missouri and Kansas*  
Lisa McBee, *licensed in Missouri*

## **EB-1 OVERVIEW**

While our office has handled hundreds of EB-1 and EB-2 cases with success, in recent years, these cases have become exceedingly difficult in terms of the evidence required from the USCIS. For most individuals, labor certification will be the quickest and most certain route to permanent residency; however, in some cases it may be advantageous to file in another manner. Below is a high level overview of the regulatory requirements for employment based, first preference permanent residence.

- \* **EB-1A: Aliens with Extraordinary Ability in science, art, and business;**
- \* **EB-1B: Outstanding Researchers and Professors;**

### **I. Extraordinary Ability (EB-1A)**

- \* The alien must have a demonstrated ability through **sustained national or international acclaim**; and;
- \* This extraordinary ability must be recognized in the alien's field through extensive documentation.

"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.**" The statute requires extensive documentation to establish eligibility. To qualify as an Alien of Extraordinary Ability, the alien must be able to provide evidence of a one-time achievement (that is, a major, international recognized award such as the Nobel Prize), **or** at least three (3) of the following:

1. Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
2. 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;
3. 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;

4. 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;
5. Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;
6. Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media;
7. Evidence of the display of the alien's work in the field at artistic exhibitions or showcases;
8. Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation;
9. Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field; or
10. Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.

## **II. OUTSTANDING PROFESSOR OR RESEARCHER (EB-1B):**

USCIS regulations state that a petition for an outstanding researcher or professor must be accompanied by evidence that the professor or researcher is **recognized internationally as outstanding in the academic field**. Such evidence shall consist of **at least two** of the following:

1. Documentation of the individual's receipt of major prizes or awards for outstanding achievement in the academic field;
2. Documentation of the person's membership in associations in the academic field that require outstanding achievements of their members;
3. Published material in professional publications written by others about the person's work in the academic field. Such material shall include the title, date, and author of the material, and any necessary translation;
4. Evidence of the individual's participation, either individually or on a panel, as the judge of the work of others in the same or an allied academic field;
5. Evidence of the person's original scientific or scholarly research contributions to the academic field; or

6. Evidence of the individual's authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field;

In addition, the applicant should have at least three years of experience in teaching and/or research in the academic field. Experience in teaching or research while working on an advanced degree will only be acceptable if the individual has acquired the degree, and if the teaching duties were such that he or she had full responsibility for the class taught, or if the research conducted toward the degree has been recognized in the academic field as outstanding.

*(Note: this handout is intended to provide a high level overview of EB-1 options. It does not provide an exhaustive review of the process nor does it include all information that may be relevant to a particular employee. For additional information, please contact our office or another attorney specializing in immigration matters).*