

# PUBLICATION

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## Are You Extraordinary? A Review of Expedited Paths to Permanent Residence

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**Under the current immigration system, annual quotas limit the number of available, employment-based permanent residence visas (green cards). For many would-be immigrants, this means they face lengthy wait times – sometimes ten years or more – to become eligible to obtain permanent residence status. The practical effect of these limitations may often mean loss of work authorization while waiting for a green card or even rescinding of job offers from U.S. employers.**

For some individuals, however, there may be an expedited path to permanent residence. The Extraordinary Ability (EB-1A) petition is different from other green card processes because it does not require a job or job offer in the U.S. for a successful petition. While visa availability in this employment-based category may also be subject to backlogs, it is often substantially less than many other visa categories allowing individuals a fast-track path to a green card.

EB-1A is the category for those who can be considered individuals with "extraordinary ability" in their area of expertise, who have risen to the top of their field. Generally, we tend to think of executives, professional athletes, actors, or persons with highly recognizable names as those persons qualified for EB-1A approvals. However, the EB-1 category is for any individual, in almost any field, who has been recognized for his or her achievements through receipt of an internationally recognized award, such as the Nobel Prize or Academy Award, or by meeting at least three of the following criteria:

- Evidence of receipt of lesser nationally or internationally recognized prizes or awards for excellence
- Evidence of membership in associations in the field which demand outstanding achievement of their members
- Evidence of published material in professional or major trade publications or other major media
- Evidence having been asked to judge the work of others, either individually or on a panel
- Evidence of original scientific, scholarly, artistic, athletic, or business-related contributions of major significance to the field
- Evidence of authorship of scholarly articles in professional or major trade publications or other major media
- Evidence that work has been displayed at artistic exhibitions or showcases
- Evidence of performance of a leading or critical role in distinguished organizations
- Evidence of commanding a high salary or other significantly high remuneration in relation to others in the field
- Evidence of commercial successes in the performing arts

Meeting at least three of these criteria often involves being creative in gathering the required evidence and carefully articulating to USCIS how the evidence provided meets the EB-1 specifications.

A primary source of evidence is obtaining reference letters from colleagues and other experts in the field to attest to the applicant's abilities, accomplishments, and contributions to the field. The goal of these letters is to convince the USCIS officer that the EB-1 applicant possesses "extraordinary" ability and a detailed explanation of how the person's accomplishments had widespread impact, were original/innovative, and were of critical importance. It is important to carefully strategize the content of each letter and focus on differentiating style and

topography as well. Often, well-crafted reference letters have the potential to meet several of the EB-1 required criteria.

Other EB-1 evidence may include receipt of company awards to document how a person's accomplishments were of major significance to their employer; W2s, tax returns, bonus awards or stock option grants as evidence of high compensation; speaking at conferences or presenting work at trade shows; and receiving other recognitions within their field of expertise for their work.

In preparing any EB-1 case, it is vital to have maintained documentary evidence of your achievements throughout the course of your career. It is imperative to put together a thorough and detailed petition to USCIS that clearly establishes how the applicant meets the EB-1 criteria and explains how the evidence substantiates the claims.

The Baker Donelson [immigration team](#) is experienced with preparing comprehensive and creative EB-1 petitions allowing our clients to benefit via an accelerated path to permanent residence. Please contact any member of our immigration team if you would like to discuss your eligibility for an EB-1 petition.