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EB-1(a)

First Preference Immigrant Petition

INA §203(b)(1), 8 CFR §204.5(h)

A First Preference Immigration Petition (EB-1) is an employment-based petition for permanent residence reserved for those who are among the most able and accomplished in their respective fields within the arts, sciences, education, business, or sports. There are three (3) types of EB-1 petitions:

- Alien of Extraordinary Ability EB-1(a)
- Outstanding Researcher/Outstanding Professor EB-1(b)
- Managers and Executive Transferees EB-1(c)

The most notable advantage for those who qualify for an EB-1 petition is the lack of a Labor Certification requirement.

In EB-(a) petition, a permanent job offer is not required, and an alien may self-petition. However, in EB-1(b) and EB-1(c) petitions, a permanent job offer is required. In other words, a US employer must be the petitioner in EB-1(b) or EB-1(c) petition.

Extraordinary ability in the field of science, education, business, or athletics means a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor.

Must demonstrate sustained national or international acclaim and recognition for achievements in the field of expertise.



EB-1(a) Workers of Extraordinary Ability Checklist*

Forms	Status
Form G-28 for Attorney Representation	
Form I-140 – Petition for Nonimmigrant Worker	
Form I-907 – Request for Premium Processing	
Evidence of national or international acclaim and that achievements have been recognized in the field of expertise.	
A) Receipt of a major, internationally recognized award such as the Nobel Prize; or	
B) At least 3 of the following forms of documentation <ol style="list-style-type: none">1) Documentation of the alien’s receipt of 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 in professional or major trade publications or major media about the alien, relating to the alien’s work in the field for which classification is sought, which shall include the title, date, and author of such published material, and any necessary translation;4) Evidence of the alien’s participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization to that for which classification is sought;5) Evidence of the alien’s original scientific, scholarly, 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 journals, or other major media;7) Display of the alien’s work at artistic exhibitions or showcases.8) Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation;9) Evidence that the alien has either commanded a high salary or will command a high salary or other remuneration for services, evidenced by contracts or other reliable evidence.10) Evidence of commercial success in the performing arts.	



Additional evidence of being an Alien of Extraordinary Ability:	
<ol style="list-style-type: none"> 1. Peer-reviewed presentations at symposia. 2. Peer-reviewed articles in scholarly journals. 3. Entries in a citation index that cite alien's work as authoritative. 4. Any documentation of participation as a reviewer for peer-reviewed scholarly journals. 	
Recommendation Letters by field experts	
<p>They should include the following:</p> <ul style="list-style-type: none"> • Writer's qualifications to issue his/her opinion. • Alien's background and achievements as well as commentaries on how the alien's achievements are original contributions of major significance. • Commentaries on the significance of the alien's publications, awards, and memberships in professional associations, if any. • Alien possesses unique knowledge, abilities, or experience that sets him/her apart from his/her professional peers. • Alien will utilize these unique talents in an activity significantly benefiting the U.S. in the future. 	
Evidence of continued work in area of expertise within the United States.	
<ol style="list-style-type: none"> 1. Letters from prospective employers, or 2. Evidence of pre-arranged commitments such as contracts 3. Statement from the alien detailing his/her future work plans and other evidence of future work commitments. 	
Beneficiary's Personal Documents	
Passport (all biodata pages, all stamped pages)	
Resume of CV	
Education Documents (diplomas and transcripts)	
All previous USCIS Approval Notices (H-1B, L-1, H-4 etc)	
All I-20 and EADs for F-1	
Entry I-94 (retrieve electronic copy from CBP website)	
Recent paystubs (if changing, transferring or extending status)	