



APPLICATION
WORK
IMMIGRATION
PASSPORT
STATUS
INTERNATIONAL
TRAVEL
VISA


KLASKO
Immigration Law Partners, LLP

Preparing for EB-1

Anu Nair • Allie K. Dempsey • Nigel D. James

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POLL

- What industry are you in?
 - Doctor/researcher/professor
 - Artist or performer
 - Business professional

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Intro

	EB-1A Extraordinary Ability	EB-1B Outstanding Professors & Researchers	EB-2 National Interest Waiver (NIW)
Description	National or international acclaim in the sciences, arts, education, business, or athletics through sustained national or international acclaim.	International recognition in a particular academic field, with 3+ years of experience in teaching or research.	Requesting that the job offer, and the labor certification, be waived because it is in the interest of the United States.
Sponsorship	Employer or self-sponsored	Employer-sponsored	Employer or self-sponsored
Criteria	<p><u>Must meet 3 out of 10:</u></p> <ol style="list-style-type: none"> 1. Awards 2. Memberships 3. Press coverage 4. Judge work of others 5. Original and significant contributions 6. Authoring articles 7. Art exhibitions 8. Critical organizational role 9. High compensation 10. Commercial success <p>After the criteria are met, USCIS will conduct a discretionary final merits assessment.</p>	<p><u>Must meet 2 out of 6:</u></p> <ol style="list-style-type: none"> 1. Awards 2. Memberships 3. Press coverage 4. Judge work of others 5. Original research contributions 6. Author books or articles 	<p><u>Must meet all criteria</u></p> <ol style="list-style-type: none"> 1. Must have a proposed endeavor in a US national interest field 2. Must be well-positioned to advance the endeavor, and have an advanced degree from a U.S. institution or foreign equivalent 3. Must be beneficial to the US to waive the labor certification process
Family Benefits	Spouse and unmarried children (under 21) eligible to apply for green card, if priority date is current.		

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Two-Step Analysis

- Determine if applicant meets regulatory criteria under 8 CFR 204.5(h)(3)
- As a final-merits determination whether, based on the totality of the circumstances, the applicant is at the very top of their field

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How to Prepare for a Successful EB-1 Petition

Doctors/Researchers/Professors

- Common Criteria Sought
 - Original Contributions (RFE risk)
 - Publications
 - Citations
 - Judge of
 - Leading/Critical
- Areas of Focus
 - Proof of achievements
 - Recognized in field of expertise

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How to Prepare for a Successful EB-1 Petition

Doctors/Researchers/Professors

- Improvements
 - Publications
 - Document contributions
 - Present to other institutions
 - Judge the work of others
 - Leading or critical role

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Other Fields and Industries

Artist and Performers

- Common Criteria Sought
 - Original artistic contributions of major significance
 - Performance of a leading or critical role for distinguished organizations
 - Comparable evidence related to your work
 - Commercial success

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Other Fields and Industries

Artist and Performers

- Improvements
 - Industry publications
 - of your work
 - of your expertise in a peer-reviewed or edited publication
 - Review the work of others
 - Apply for an association membership
 - Document and keep records of achievements and commercial success

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Other Fields and Industries

Business

- Common Criteria Sought
 - Proof of original business contribution
 - Salary/Remuneration
 - Critical/Essential Employment

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Other Fields and Industries

Business

- How to Increase Chance of Success
 - Trade Publications
 - Leading or critical roles
 - Distinguished organization or business
 - Can be limited to division/department
 - Judge of the work of others
 - Evidence of awards/prizes
 - National or international

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Overall Merits Analysis

- Once the regulatory criteria is met, USCIS makes a “final merits” determination on whether the applicant is at the very top of their field.
- Look to quality of the evidence being submitted.

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What Not To Do

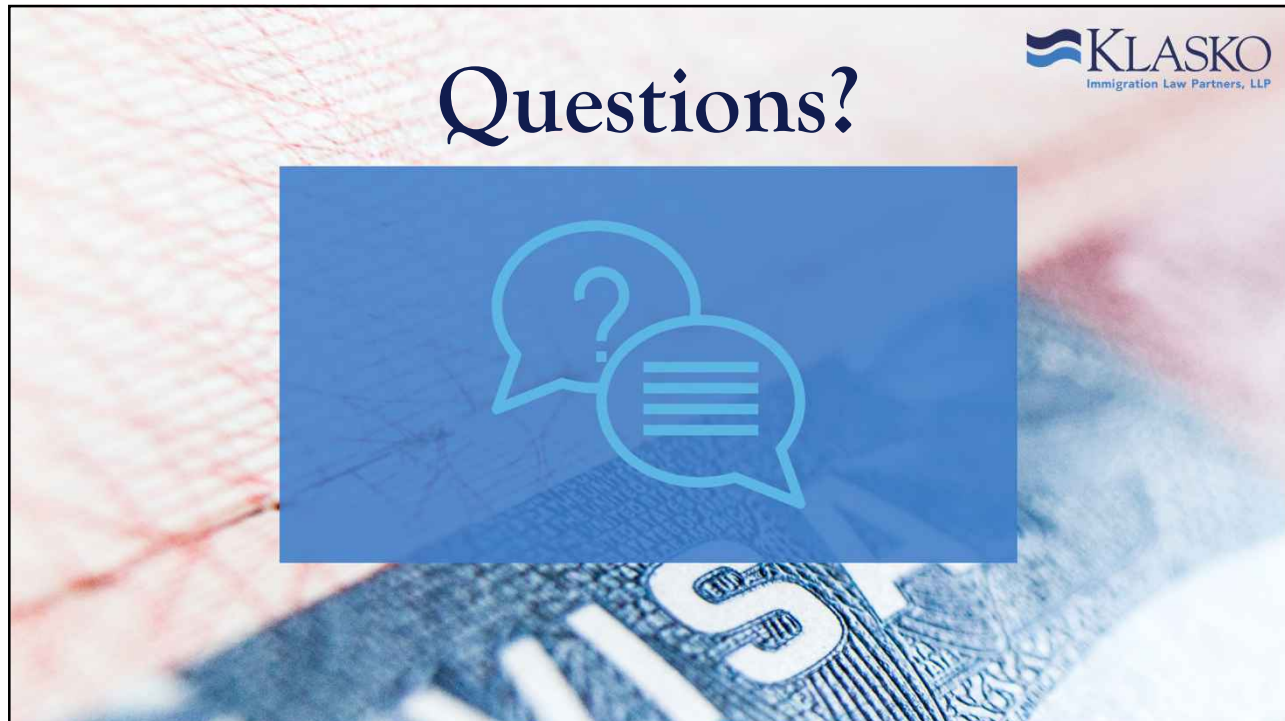
- Don't pay for publications or press coverage
- Don't review more manuscripts under someone else's name
- Don't lose access to email records – often happens in change of employer
 - Cc your personal email when sending reviews/key documents

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NIW as an Alternative Option

- Criteria
 - National
- Pros
 - Self-sponsored
 - Emphasis on STEM fields
- Processing and visa delays
- Premium processing update
- Filing alone or as backup to an EB-1 petition

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For Further Information

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Upcoming Webinars

Green Card Priority Dates

- Wednesday, April 20
- 1:00pm

AMA: An Immigration Attorney

- Thursday, May 5
- 11:00 am

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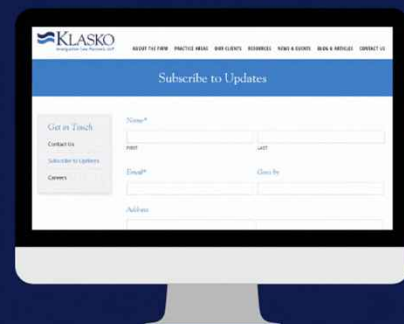
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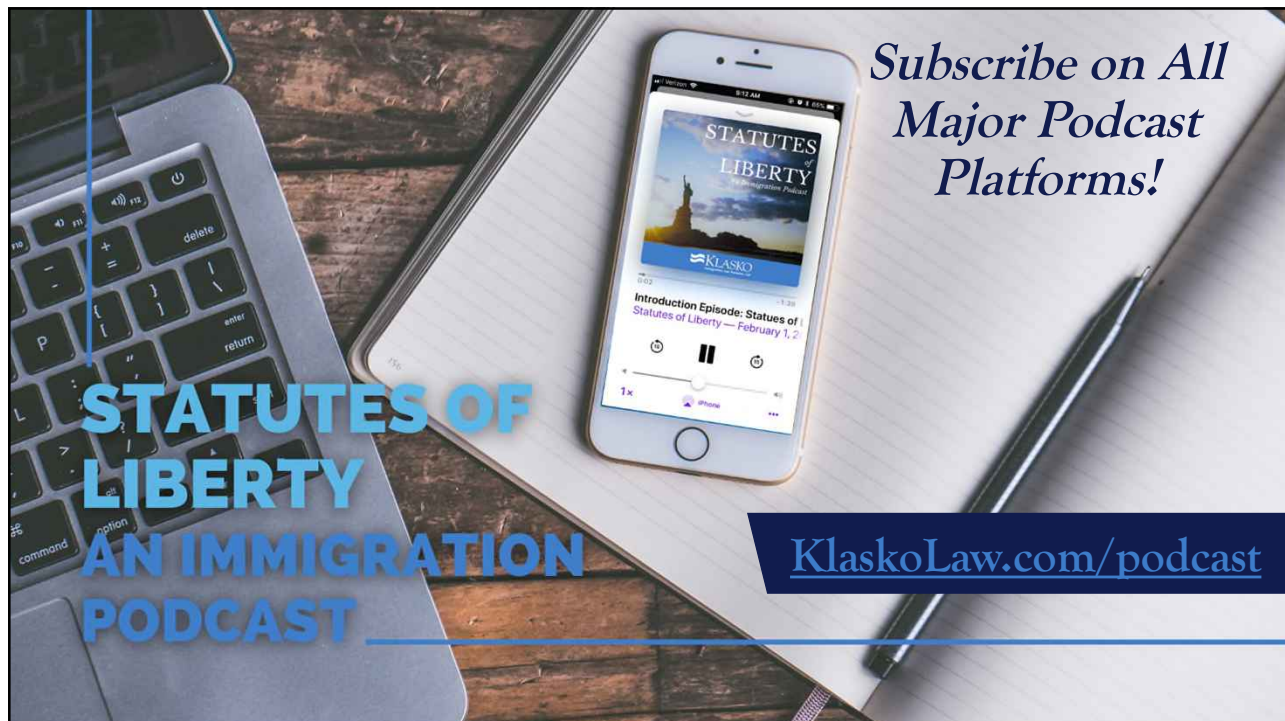
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Anu Nair
Partner

Anusree (Anu) Nair is a partner at Klasko Immigration Law Partners' Philadelphia office. She focuses her practice on business immigration by helping investors, scientists, doctors, and other highly skilled professionals achieve their immigration goals. She also leads the firm's EB-1 practice, which can be a better green card option for some EB-5 investors.

With her strong science background, Anu is uniquely poised to assist doctors, researchers, and other highly skilled professionals secure their green cards through EB-1A (Aliens of Extraordinary Ability), EB-1B (Outstanding Researchers); and EB-2 National Interest Waiver petitions.

Anu has extensive experience representing hospitals, international record companies, multinational businesses, and major production companies in securing a variety of employment-based immigration benefits for their employees. She also assists clients with family-based immigration matters and represents clients before the Immigration Court, the Citizenship and Immigration Service, and Customs and Border Protection.

Anu is a 2006 graduate of Baruch College where she majored in Biology. She went on to obtain her law degree from the Benjamin N. Cardozo School of Law, where she served as submissions editor of the Cardozo Journal of Law and Gender.



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Allie K. Dempsey
Senior Associate

Allie Dempsey is a Senior Associate at Klasko Immigration Law Partners, LLP. She provides strategic and comprehensive immigration solutions to the firm's corporate and university clients, as well as to individuals of extraordinary ability seeking to achieve their immigration goals.

Allie has significant experience with employment-based immigration matters and regularly works with clients to obtain nonimmigrant status for global talent, including O-1, H-1B, L-1, and TN visas, and has successfully guided many clients through the immigrant visa process, helping professionals, advanced-degree individuals, and multinational managers and executives obtain permanent resident status in the United States. Allie also has considerable experience guiding highly-skilled individuals through the green card process via complex petitions for extraordinary ability (EB-1A), outstanding researcher/professor (EB-1B), and national interest waiver (EB-2 NIW) classification.

She received her Bachelor of Arts degree in Political Science and French from Gettysburg College and earned her J.D. from Penn State Dickinson Law, where she was the first Managing Editor of the Penn State Journal of Law and International Affairs and served as a legal intern with the Department of Justice, Executive Office for Immigration Review.



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Nigel James navigates intricate immigration laws to streamline employment and family-based immigration matters for corporate and individual clients.


Nigel has provided legal advice on family-based and employment-based immigration, including applications for H-1B, L-1, labor certifications, national interest waivers, and complex requests from the U.S. Citizenship & Immigration Services (USCIS). He also has experience with removal defense matters before the Executive Office for Immigration Review (EOIR) and the Board of Immigration Appeals (BIA), T visas for victims of labor and sex trafficking, naturalization, and humanitarian matters.

Nigel received his B.A. in Biological Sciences from Clemson University and his J.D. from the Villanova University Charles Widger School of Law.

Nigel D. James
Associate




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