

# OVERVIEW OF EB-1A



**MELTZER HELLRUNG**  
IMMIGRATION SOLUTIONS

## OVERVIEW OF EB-1A

The EB-1A classification is for individuals with extraordinary ability in the sciences, arts, education, business, or athletics and have been recognized nationally or internationally for those achievements. Individuals must demonstrate sustained national or international acclaim and must be seeking to work in the field in which they have extraordinary ability. This green card category does not require a labor market test or a sponsoring employer.

**IN ORDER TO QUALIFY, INDIVIDUALS MUST DEMONSTRATE THAT THEY HAVE RISEN TO THE VERY TOP OF THEIR FIELD OF ENDEAVOR THROUGH EITHER A MAJOR, INTERNATIONALLY-RECOGNIZED AWARD, SUCH AS A NOBEL PRIZE, OLYMPIC MEDAL, OSCAR OR PULITZER, OR 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 about the individual in professional or major trade publications or other major media
- Evidence that the individual has 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 the individual's work has been displayed at artistic exhibitions or showcases
- Evidence of performance of a leading or critical role in distinguished organizations
- Evidence that the individual commands a high salary or other significantly high remuneration in relation to others in the field
- Evidence of commercial successes in the performing arts

## EB-1A APPLICATION PROCESS OVERVIEW

### 1 Company and/or individual (for self-sponsors) opens a case with Meltzer Hellrung



IN ORDER TO OPEN A CASE, WE NEED THE FOLLOWING INFORMATION:

- Name of candidate
- Email address
- Job title and description for offered position
- Offered salary
- Work location
- Resume

### 2 Meltzer Hellrung reaches out to the individual to complete an online questionnaire and provide the required documentation



We will email the candidate with instructions to complete this step.

### 3 Letters of recommendation



EB-1A applications typically include letters of recommendations from individuals who can speak to the extraordinary ability of the individual. In many instances, these letters are drafted by the individual to be signed by the letter writer. We will assist with the review of these letters.

### 4 Meltzer Hellrung drafts all necessary forms and letters to file the I-140 petition



We will forward these forms and letters to the Company and/or individual (for self-sponsors) for review. The employer may choose to share these draft documents with the individual. This step may require multiple rounds of document edits depending on the complexity of the case. This step represents one of the most time-consuming portions of the process.

**5** Once all forms and letters have been finalized and all required documentation provided, Meltzer Hellrung will ship the completed petition to USCIS



**6** USCIS review of the I-140 petition



Generally, USCIS takes several months to process I-140 petitions unless premium processing is added for an additional government filing fee, which requires USCIS to issue a response within 15 calendar days. Once filed USCIS may not immediately approve a petition. USCIS may first issue a Request for Evidence (“RFE”). Should an RFE be issued, USCIS provides about three months to respond. If we receive an RFE, we will analyze the RFE and reach out to the respective parties with a list of documents needed. Once received, we will draft the response and submit to USCIS. Once submitted, USCIS typically issues a decision within 60-90 days, unless premium processing has been added. For I-140 petitions with premium processing, USCIS will issue a decision within 15 days of receiving the RFE response.

**7** Post filing outcomes

**Approval**

USCIS will approve I-140 petition and will issue an I-797 approval notice.



**Denial**

USCIS can determine that the I-140 petition is not approvable. Typically, an RFE is issued prior to a denial. If USCIS denies the I-140 petition, a written decision is issued outlining the reasons for denial. If a denial is received, Meltzer Hellrung, individual, and employer (if not self-sponsored) will have a post-decision call to determine if there were any deficiencies in the application and the recommended next steps for moving forward.



**8** Application for physical green card



When an individual’s priority date, which is the date that the I-140 was filed, becomes current, that person can file an application to get the physical green card. There are two ways to file for the green card: first, by adjusting status inside the United States, and second, by filing for an immigrant visa at a consulate outside the U.S. and second, by filing for an immigrant visa at the consulate outside the United States. The first option is more common, but some employees choose to pursue the second option as it can be faster.

If the priority date is current when filing the I-140, the I-485 to adjust status can typically be filed concurrently with the I-140. Individuals who were previously sponsored for an I-140 and have a priority date that can be recaptured may also be current at the time of the I-140 filing. There may be an additional wait time for applicants depending on the dates listed on the visa bulletin in any given month.

## EB-1A APPLICATION DOCUMENT REQUEST OVERVIEW



### DOCUMENTS TO BE PROVIDED BY INDIVIDUAL:

- Non-blank pages of passport
- Documentation of any previous U.S. immigration status (I-797 approval notices, electronic I-94 if already in the U.S.)
- Resume
- Awards received
- Recommendation letters from other respected members of the field highlighting the original contributions or extraordinary ability of the individual
- Any articles or publications in major trade/professional publications, newspapers or other major media written about the individual
- Any articles or publications in major trade/professional publications, newspapers or other major media written by the individual
- Evidence of participation as a judge of others – this can include emails inviting individual to peer review publications, judging competitions, etc.
- Evidence of memberships in associations and the requirements for membership
- Evidence of lead or starring roles in productions and events with distinguished reputations
- Evidence of commercial success such as box office sales, book sales, etc.

### DOCUMENTS TO BE PROVIDED BY COMPANY (IF NOT SELF-SPONSORED):

- Documents regarding marketing materials, presentations, press releases, pitch slide decks, brochures, process outlines, etc.
- Recent financial documents, such as tax return, audited financial statement, SEC 10-K filing, or profit and loss statement