

The immigration laws have established the EB-1(1) category so that persons who have an extraordinary ability in the sciences, arts, education, business, or athletics can become permanent residents of the United States more easily than others. The reason is the perception that persons of extraordinary ability will contribute to and have a beneficial impact on the U.S. To qualify as a person of extraordinary ability an applicant must demonstrate that he or she has acquired national or international acclaim and recognition in one of the listed areas.

OUR EXPERIENCE WITH PERSONS OF EXTRAORDINARY ABILITY

While very few people have won Wimbledon or received a Nobel Prize, the receipt of such an award is not the only way to qualify as a person of extraordinary ability. Based on the ability to satisfy some the criteria listed below a surprising number of persons can qualify for this category. At **Perez & Associates** we have considerable experience with petitions for persons of extraordinary ability having qualified persons in such diverse areas as restaurant development, auto mechanics, general business, art, and sports. If, after reading the list of criteria below, you think there may be a chance you can qualify as a person of extraordinary ability, consider requesting a **Case e-Valuation** to find out if you can take advantage of this category.

NO JOB OFFER OR LABOR CERTIFICATION (PERM) REQUIRED

One of the main advantages of qualifying under the EB-1 category as an alien of extraordinary ability is that a job offer is not required. Although a U.S. employer may petition for an EB-1 worker of extraordinary ability, a person can also petition for him- or herself (self-petition) without a job offer or a petitioning employer. This eliminates the need to find a U.S. employer before filing for permanent residence as an alien of extraordinary ability.

The other main advantage is that the U.S. labor market does not have to be tested. Because the labor market does not have to be tested a Labor Certification (PERM) is not required. This means that an alien of extraordinary ability need not go through the expense, time, and uncertainty associated with the Labor Certification (PERM) process before he or she can file for permanent residence.

Because the basis for this law is the desire to bring persons with extraordinary ability to the U.S. the petition must include evidence that the individual will continue to work in the United States in the area of his or her extraordinary ability.

QUALIFYING AS A PERSON OF EXTRAORDINARY ABILITY

To qualify as a person of extraordinary ability it must be shown that the foreign national's accomplishments have been recognized and that the individual has received national or international acclaim for those accomplishments. The regulations permit a showing made through a single achievement, such as receipt of a major, internationally recognized award like a Nobel or Pulitzer Prize. Persons who have received other awards, not as notable, might also qualify, but he or she will have to show how the award in the particular field compares to a Nobel or Pulitzer Prize.

As mentioned above, very few persons qualify for extraordinary ability based on a one-time achievement. Most people qualify by showing that he or she satisfies at least three of the

following:

- receipt of lesser nationally or internationally recognized prizes or awards for excellence;
- membership in associations in the field that demand outstanding achievement of their members, as judged by recognized national or international experts;
- published material about the person in professional or major trade publications or other media;
- evidence that the person has judged the work of others in the field;
- evidence of the person's original contributions of major significance to the field;
- authorship of scholarly articles;
- display of the person's work at artistic exhibitions or showcases;
- evidence the person has performed in a leading or critical role for organizations that have a distinguished reputation;
- evidence that the person commands high remuneration in relation to others in the field; or
- evidence of commercial success in the performing arts.
- If the above criteria do not apply, the regulations also allow for "other comparable evidence."