

EB1A Visa Guide: Everything You Need to Know About the EB1A Visa

The EB1A visa is a great option for people with extraordinary abilities in the arts, sciences, business, education, or athletics.

With an EB1A visa, you can get your green card without a job offer from a US company. And, because the EB1A visa is eligible for premium processing, your application can be reviewed in just 15 days.

In this guide, I'm going to explain what you need to know about the EB1A visa.

If you have any questions about the EB1A visa, email us at Info@immigrationlawfirmltd.com.

Overview:

1. What is the EB1A Visa?

2. What are the Benefits of an EB1A Visa?

3. What are the EB1A Visa Requirements? (How to Get an EB1A Visa)

4. How Does USCIS Decide Whether to Approve or Deny an EB1A Visa Petition?

5. What Documents are Needed to Apply for an EB1A Visa?

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1. What is the EB1A Visa?

The EB1A visa is an immigrant visa for people that are highly gifted in certain industries. Specifically, the EB1A visa is for foreign nationals that have an **extraordinary ability** in the arts, sciences, business, education, or athletics.

In order to get an EB1A visa, you must prove that you have an extraordinary ability, and that you will continue to work in your field of extraordinary ability upon coming to the United States.

Extraordinary ability means that you are one of the select few people who have risen to the very top of your field. There are multiple ways of proving extraordinary ability, such as receiving major awards in your industry, receiving a very high salary compared to others in your field, and other such factors (these will be discussed in detail below).

The EB1A classification is an immigrant classification so it qualifies for a green card for the applicant, their spouse, and children. Also, the EB1A classification is eligible for self-petition, so an applicant can file the application on their own behalf without a foreign company applying for them.

Summary:

- The EB1A visa is an immigrant visa for people with an extraordinary ability in the arts, sciences, business, athletics, or education.
- The EB1A is reserved for people who have risen to the very top of their field.
- In order to get an EB1A visa, you must show that you have an extraordinary ability and that you will continue to work in your field of extraordinary ability upon coming to the United States.

2. What are the Benefits of an EB1A Visa?

The EB1A visa does not require a US company sponsor:

- Most employment-based immigrant visas require you to get a job offer from a US company.
- The US company is also usually required to get an approved Labor Certification. A Labor Certification is a document showing that the US employer made attempts and was unable to get a qualified US worker to fill the position they are hiring you for.

- **With the EB1A visa, you do not need a US job offer or a Labor Certification.**
- Instead, you can apply for an EB1A visa by self-petition (meaning that you can apply yourself without a company sponsoring you).

The EB1A visa is an immigrant visa:

- There are 2 types of visas: immigrant visas and non-immigrant visas.
- Immigrant visas result in a green card and lawful permanent residency.
- Non-immigrant visas are temporary and do not result in a green card.
- Because the EB1A visa is an immigrant visa, if you are successful in your [EB1A visa application](#), **you qualify for a US green card.**
- **Your spouse and unmarried children under 21 years of age can also obtain their green cards through your EB1A visa approval.**

The EB1A visa is eligible for premium processing:

- Premium processing is a service offered by USCIS for certain visa categories.

- If you elect to have premium processing for your visa petition, USCIS will review your petition and issue a response within 15 days.
- The fee for premium processing is \$1,440
- **Because the EB1A visa is eligible for premium processing, you can have your petition reviewed and answered within 15 days. This is much faster than most other visas.**

3. What are the EB1A Visa Requirements? (How to Get an EB1A Visa)

To get an EB1A visa, you need to prove 3 things:

- That you have an extraordinary ability in either the sciences, arts, education, business, or athletics.
- That you are coming to the United States to continue working in your field of extraordinary ability.
- That your entry to the United States will substantially benefit the United States.

How to Prove That You Have Extraordinary Ability

- Proving that you have extraordinary ability is the most important part of the [EB1A visa application](#).
- This section is so important that I'm going to go through it step-by-step.

1. What is Extraordinary Ability?

- Extraordinary ability is “a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor.” [\[8CFR Section 204.5\(h\)\(2\)\]](#)

2. How do You Prove that You Have Extraordinary Ability?

- To prove that you have extraordinary ability you must provide evidence that you have “**sustained national or international acclaim**” and that your “**achievements have been recognized in the field of expertise.**” [\[8CFR Section 204.5\(h\)\(3\)\]](#)

3. How do You Prove that You Have Sustained National or International Acclaim and That Your Achievements have Been Recognized in Your Field of Expertise?

There are 2 ways to prove this:

- Evidence of a one-time achievement

- **OR** evidence that you meet 3 of the 10 evidence criteria for an EB1A visa (discussed below)

One-Time Achievement

- A one-time achievement must be a major, internationally recognized award.
- Examples of a one-time achievement are: the Nobel Peace Prize, an Academy Award, a Grammy, etc.
- If you have one of these major, internationally recognized awards, this will likely be sufficient to prove that you have sustained national or international acclaim and that your achievements have been recognized in your field of expertise.
- If you do not have one of these awards, you will have to meet at least 3 of the 10 criteria discussed below.

Evidence Criteria for EB1A Visa

As stated above, if you do not have a major national or international award or recognition, you must satisfy at least 3 of the following requirements:

- Receipt of lesser nationally or internationally recognized prizes or awards for excellence in your field of endeavor
- Membership in associations in your field of endeavor, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields
- Published material about you, in professional or major trade publications or other major media, relating to your work in your field of endeavor
- Participation, either as an individual or as part of a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought
- Original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in your field of endeavor
- Authorship of scholarly articles in your field, in professional or major trade publications or other major media
- The display of your work in your field at artistic exhibitions or showcases
- You have performed in a leading or critical role for organizations or establishments that have a distinguished reputation

- You have commanded a high salary or other significantly high remuneration for services, in relation to others in your field
- You have achieved commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.

Keep in mind:

- If one of these categories does not apply to your field of extraordinary ability, **you may submit comparable evidence to demonstrate your eligibility for an EB1A visa.**
- **For example**, if you are a world renowned chef, you may not have evidence of commercial success in the performing arts. Instead, you might have evidence of very high commercial success for a cook-book that you authored.
- In these situations, it is important to show why the criteria doesn't apply to your case and to explain why the evidence you are submitted should be accepted as a substitute.

How to Prove That you are Coming to the United States to Continue Working in Your Field of Extraordinary Ability.

In addition to proving that you have extraordinary ability, you must also show with clear evidence that you are coming to the USA to continue to work in your field of extraordinary ability.

You can meet this requirement by submitting any of the following evidence:

- Letters from potential employers in your field of extraordinary ability
- Contracts between you and US companies showing that you are committed to working in your field of extraordinary ability
- A written statement by you with details of your plans to come to the United States and continue to work in your field of extraordinary ability
- **You are not required to have a job offer**

How to Prove That Your Entry to the United States will Substantially Benefit the United States.

- The final requirement to get an EB1A visa is that you must show that your entry to the United States will substantially benefit the United States.
- It is generally assumed that if you will be working in the United States in your area of extraordinary ability, then you will be substantially benefiting the United States in some fashion.
- Therefore, to meet this requirement, you generally don't need to submit evidence other than a written statement that your entry to the United States will substantially benefit the United States based on the fact that you will be working in your area of extraordinary ability.

4. How Does USCIS Decide Whether to Approve or Deny an EB1A Visa Petition?

USCIS has a 2-step process when determining whether to approve or deny an EB1A petition:

- Step-1: Evidence Threshold
- Step-2: Final Merits Determination

Step-1 Evidence Threshold

- At this stage, USCIS checks to make sure that you have submitted evidence to satisfy at least 3 of the 10 categories listed above.
- The quality and the caliber of the evidence you submit is measured during this stage.
- If you do not meet at least 3 of the 10 criteria, then your application is denied at this stage.
- **At this stage, USCIS is not determining whether you are one of the select few that have risen to the top of your field.**

Step-2 Final Merits Determination

- At this stage, USCIS evaluates the totality of the evidence you have submitted to determine if you are individual of extraordinary ability.
- It is at this stage where USCIS determines whether you are one of the select few who has risen to the top of your field.
- Here, USCIS is also evaluating whether you have "sustained national or international acclaim" and whether your achievements have been recognized in your field of expertise.

Quick Summary of the Evaluation Process

- Many people think that because they can check-off 3 of the evidentiary criteria listed above, that they are qualified for an EB1A visa.
- **This is not accurate!**
- **In addition to showing that you have commanded a high salary, have awards, and published articles, or whatever other assortment of the criteria listed above, you still must meet the definition of extraordinary ability.**

- Just to repeat the definition: extraordinary ability is “a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor.” [\[8CFR Section 204.5\(h\)\(2\)\]](#)
- This is a very high standard to meet, but it is achievable for the right candidate.

5. What Documents are Needed to Apply for an EB1A Visa?

The evidence that you submit in support of your EB1A application is extremely important to get approved.

The exact documents that you need to provide your [immigration lawyer](#) will depend based on your accomplishments, publications, accolades, etc.

With that disclaimer, here is a list of general documents that you should expect to provide to your immigration lawyer:

- Your resume or CV
- Copies of your passport for you and your family
- Evidence of your extraordinary ability such as copies of your publications, evidence of your awards, pay-stubs showing a high salary compared to your colleagues, citations, and other such evidence

- Letters of recommendation and endorsement from experts and professionals in your field.
- Evidence of the type of work you will be doing in the USA, including a job offer, a contract for work, or a signed statement regarding the work you will be doing in the USA.

Important Note Regarding Letters of Endorsement:

- Letters of endorsement from experts in your industry are highly important to your EB1A visa application.
- These letters should **not** be the primary evidence used to show that you have extraordinary ability.
- **Letters of endorsement from experts in the field are very helpful to explain the importance of your accomplishments and contributions to the field.**
- You should begin to think about who you can reach out to for letters of endorsement very early on in the planning of your **EB1A visa application**.

6. Conclusion

- The EB1A visa is a great option for the right candidate.

- If you are someone who has extraordinary ability in the arts, sciences, athletics, business, or education, the EB1A visa is an option that you should consider.
- The definition of **extraordinary ability** is a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor.
- You prove extraordinary ability by showing “**sustained national or international acclaim**” and that **your “achievements have been recognized in the field of expertise.”** [[8CFR Section 204.5\(h\)\(3\)](#)]
- You prove sustained national or international acclaim and that your achievements have been recognized in your field of expertise by submitting evidence of a one-time achievement or by meeting 3 of the 10 evidence criteria listed above.

You are now in a much better place to assess the EB1A visa and whether or not it is a good option for you to consider.