



Permanent Residence  
Employment-Based Preference 1 Category  
Outstanding Professor or Researcher  
EB-1  
Eligibility and Requirements Checklist

(Revised May, 2009)

This classification is for individuals who meet the definition of an "Outstanding Professor or Researcher". They are individuals who are recognized internationally as outstanding in a specific academic area, have at least 3 years of teaching and/or research experience in the academic field, (such experience may include research or teaching while working toward an advanced degree only if the research is recognized within the academic field as outstanding or if the teaching duties entailed full responsibility for the class taught), and will be employed in a tenured or tenure-track teaching position or a permanent research position within the university or institution of higher learning." [8CFR 204.5(i)].

An Outstanding Professor or Researcher is defined by immigration regulations, as follows:

**Authority cite**

**I.N.A. § 203(b)(1)(B)**

- (i) the alien is recognized internationally as outstanding in a specific academic area,
- (ii) the alien has at least 3 years of experience in teaching or research in the academic area, and
- (iii) the alien seeks to enter the United States -
  - (I) for a tenured position (or tenure-track position) within a university or institution of higher education to teach in the academic area,
  - (II) for a comparable position with a university or institution of higher education to conduct research in the area, or
  - (III) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institution employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

Under the statute, an individual is eligible for this classification as Outstanding Professor or Researcher if he or she is "recognized internationally as outstanding in a specific academic area. The outstanding professor or researcher classification is often an excellent option for certain individuals who are outstanding in their field, but who may not have risen to the level necessary to prove extraordinary ability, which is a different classification within the first preference category. Where the EB-1 Outstanding Professor or Researcher category requires the alien to be "recognized *internationally*", the EB11 Extraordinary Ability category –EB11- requires the alien to show "sustained *international or national* acclaim".

Documentation must be developed to convince USCIS that the alien is outstanding as that term is defined in statute and regulation.

## Employer Requirements

To qualify, the alien must be coming to the U.S. to work in his or her area of outstanding achievement

In general,

- ✓ No labor certification is required, but must be employer sponsored.
- ✓ Since a job offer is required, only the U.S. employer offering the job can file the petition with USCIS; the alien cannot self-petition.
- ✓ Employment should be of permanent nature, as this is a critical component of this type of petition. Therefore, a tenured or tenure-track faculty position or a permanent research position is required. Required employment in a form of letter should be stated for a term of indefinite or unlimited duration, in which the employee will ordinarily have an expectation of continued employment unless there is a cause of termination 8CFR204.5(i)(2)
- ✓ The employer must petition for alien on Form I-140 to the USCIS accompanied by employment contract, offer, or appointment and all documentary evidence that the foreign national meets the EB1 classification criteria.

## Employee Eligibility

General Criteria:

- ✓ Three years teaching and/or research experience in the specialty field
- ✓ Record of outstanding research in the specialty field
- ✓ Ideal candidates are research associates and research faculty
- ✓ This category is not viable for post-doctoral research fellows, as the permanent job offer is a critical component.

In support of the employer's petition, the following **documentary evidence** must be provided by the alien:

- ✓ • **Evidence of international recognition** in area of academic specialty demonstrated by submitting evidence of at least **two** of the following:
  1. **Receipt of major prizes/awards for outstanding achievement in the field.** These awards are recognized as prestigious although they do not have to be quite the caliber of a Nobel or a Pulitzer Prize. It may be necessary to explain the significance of these prizes and awards. In general, however, the awarding of a "postdoctoral fellowship" is not considered nationally or internationally prestigious enough to qualify as acceptable evidence. Student awards, unless nationally or internationally recognized, should not be included. Grant awards may be included, depending on the individual's role in obtaining the grant.
  2. **Membership in an association that requires outstanding achievement in the field.** Memberships that are above and beyond the *run-of-the-mill-pay-your-dues-and-you're-a-member* sort of memberships. The regulations clearly state the organizations should "require outstanding achievements of their members" as judged by experts.
  3. **Published material in professional publications written by others about applicant's work in the field.** Complete copies of articles, reviews, etc. about the individual's work should be submitted. Citation listings alone do not suffice to meet this evidentiary criterion. If in an article another author describes and evaluates the foreign national's work, a copy of the entire article should be submitted.

**4. Participation as a judge of the work of others in the field** Evidence of this can be provided in several ways. Individuals knowledgeable about the circumstances could write letters attesting to this fact. Alternatively, copies of letters asking the individual to judge an event or a paper or thanking them for doing this can be submitted. Aliens who have served as reviewers for scholarly journals can submit proof of their service as reviewers. This evidence should be accompanied by an explanation of why the alien's experience judging the work of others is significant.

**5. Original scientific or scholarly research** Documentation of this can take many forms. Copies of patents or other recognition of a contribution or achievement can also be included with the petition. Letters from recognized experts in the field are essential for helping to document this.

**6. Authorship of scholarly articles/books in the specialty area** Copies of articles should be included, although if the alien has a long list of publications, a list with complete citations and copies of some representative samples should suffice. The quality and distribution of the publication does make a difference, since the regulation requires the publication to have "international circulation in the field".

**7. Letters from recognized experts in the field** As with the extraordinary ability classification, letters from experts in the field can also be used. It is crucial to obtain expert opinions from objective, established people in the field. Letters should be addressed 'To Whom It May Concern'

- ✓ • **Three (3) years experience** in teaching or research (includes graduate or postdoctoral work, if qualifying)

**8 C.F.R. § 204.5(i)(3) (ii)**

(ii) Evidence that the alien has at least three years of experience in teaching and/or research in the academic field Experience in teaching or research while working on an advanced degree will only be acceptable if the alien has acquired the degree, and if the teaching duties were such that he or she had full responsibility for the class taught or if the research conducted toward the degree has been recognized within the academic field as outstanding Evidence of teaching and/or research experience shall be in the form of letter(s) from current or former employer(s) and shall include the name, address, and title of the writer, and a specific description of the duties performed by the alien.

- ✓ • An **offer for a tenure track teaching or comparable permanent** research position (of unlimited duration) at an institution of higher education or private institution of demonstrated research accomplishments in the field, which employs at least three (3) full-time researchers.

**8 C.F.R. §204.5(i)(3)(iii)**

(A) A United States University or institution of higher learning offering the alien a tenured or tenure-track teaching position in the alien's academic field;

(B) A United States university or institution of higher learning offering the alien a permanent research position in the alien's academic field;

(C) A department, division, or institute of a private employer offering the alien a permanent research position in the alien's academic field. The department, division, or institute must demonstrate that it employs at least three persons full-time in research positions, and that it has achieved documented accomplishments in an academic field.

## Application Process

The INA currently limits the total number of employment-based (EB) immigrants to 140,000 and the number of family-based immigrant slots not used (normally they are all used, though), per fiscal year. These 140,000 slots are divided between five employment-based "preference" categories,

The total number of immigrant visas made available to natives of any single foreign state may not exceed seven percent of the total number of visas made available to a particular category in that fiscal year.

There is frequently more demand for employment-based immigrant visa slots than there is availability. A preference category can become oversubscribed in two ways: either the total category availability has been reached, or the per-country limit for that category has been reached.

When a category becomes over-subscribed either in its entirety or for a particular country, a waiting list develops. A person's place on the waiting list is determined by his or her "priority date", which is the date on which a preference petition was filed on his or her behalf with USCIS.

These waiting lists can be extraordinarily long or quite short. The Department of State maintains a count of the number of immigrant slots filled, and issues a monthly public report called the Visa Bulletin, which contains the "cut-off" dates for any particular category. If there is a cut-off date listed in the Visa Bulletin, all aliens that are subject to the limitation who have a priority date from that date forward must wait until at least the next month to see if the waiting list has progressed. Unless a preference category is current (i.e., no cut-off date has been announced) or an alien's priority date is before the cut-off date listed in the Visa Bulletin, the alien cannot move to the final stages of the lawful permanent residence process and receive approved permanent residence status.

An for the EB-1 permanent residence petition based on **employment with the UTHSC-H** as Outstanding Professor or Research, this type of petition may be filed by the foreign national private attorney, or may be filed through the Office of International Affairs (OIA). If filed by her attorney, Form I-140 must be signed by the office of International Affairs as representative of the employer, and must be approved by USCIS before the employee may begin employment with the UTHSC-H. The hiring department would be responsible for issuing a Permanent Residence immigrant visa **administrative support letter** to be submitted with the petition. The **fee for the I-140 application is \$475.00**, which should be paid by either the international visitor or the department.

Individuals who are subject to the J-1 two-year home country physical presence requirement, and have not fulfilled or received a waiver of this requirement, may have an immigrant petition approved but **cannot** be granted status as Legal Resident Aliens (permanent residents or "green card" holders) of the U.S. First, the J-1 two-year requirement must be either waived by the U.S. Department of State and the USCIS, or fulfilled by returning to the country of last legal residence for a cumulative period of two years (24 months). For information about applying for a waiver of this requirement, visit the U.S. Department of State, Bureau of Consular Affairs on the web at <http://travel.state.gov/jvw.html>

Applicants for immigrant petitions based on an offer of full-time, permanent employment who are not subject to the J-1 two-year home country requirement and are currently in the U.S. under another valid nonimmigrant classification, may qualify to have their status "adjusted" within the U.S. to that of an immigrant.

Upon receipt of the appropriate administrative written approval to proceed with filing the PR petition -Form I-140 and the documents required to file the PR petition, OIA will prepare and file the application with the U.S. Citizenship and Immigration Services (USCIS).

When a visa number is currently available at the time of filing the I-140 petition, it is possible to file Forms I-140 and I-485 concurrently; however, the applicant may wait until a 'Receipt Notice' of the I-140 is received by the employer (expected 2-4 weeks after mailing of I-140 packet) before filing Form I-485.

Once the Form(s) I-485 is filed the U.S. Citizenship and Immigration Services it takes several months to process the adjustment of status. Since Form I-485 ("adjustment of status") is an application filed by the individual, not by the employer, the Office of International Affairs is not able to assist in these procedures. It is recommended that a qualified attorney who is "Board Certified" in immigration and nationality law be hired to assist with these types of applications.

Based on the current Immigration processing of permanent visa applications, which include both the I-140 and the I-485, it can be anticipated that it will be approximately 2 to 3 years before the individual's passport will be stamped with U.S. Permanent Resident Status. During this period, employment authorization must be maintained to avoid any interruption in employment.

## Documentary Requirements

For the Office of International Affairs to be able to file a permanent residence petition –Form I-140- on behalf of the foreign national employee, the following list of documents must be supplied:

<b>Items &amp; Quantity of copies</b>	<p align="center"><b>EB-1 Outstanding Professor Researcher Form I-140 - Documentation Required</b></p> <p align="center"><i>Unless specifically required that an original document be provided, ordinary legible copies may be submitted.</i></p> <p align="center"><i>Originals provided will become part of the records, even if submission was not required.</i></p>
1 original & 2 copies	<a href="#">Institutional Sponsor Administrative Approval</a> Letter supporting petition of PR status
1 original & 2 copies	<a href="#">Terms of Employment Letter</a> : approved Tenure or Tenure Track / permanent employment offer, contract, or appointment letter including details about the position: title, salary, dates of expected employment, etc.
1 original & 2 copies	<a href="#">Sponsor Letter to USCIS in Support of PR application</a> : description of outstanding / extraordinary qualifications, training, and experience in connection with applicants value to the UTHSC-H
1 original & 2 copies	Evidence of employment history including current employment verification letter
1	Institutional or personal check for \$475 application fee payable to <a href="#">U.S. Department of Homeland Security</a>
1	Institutional check for \$1,000 premium processing fee payable to U.S. Department of Homeland Security provided by the sponsoring department, if premium processing applicable in the case.
1	Signed draft Form I-140 found and any required statements (form available on website <a href="http://www.uscis.gov">www.uscis.gov</a> - Completed original will be submitted by OIA on behalf of UTHSC-H
1	Completed and signed Department of Labor Form ETA 750B, which may be obtained from: <a href="http://www.foreignlaborcert.doleta.gov/750inst.cfm">http://www.foreignlaborcert.doleta.gov/750inst.cfm</a>
3 originals	Signed and dated Certified <a href="#">Copy Statement</a> , found at: <a href="http://www.uth.tmc.edu/intlaffairs/Forms/forms.htm">http://www.uth.tmc.edu/intlaffairs/Forms/forms.htm</a>
3 copies	Up-to-date employee Curriculum Vitae
3 copies	Full English translation of Degree(s), certified by official translator as complete and accurate, if applicable
3 copies	Credential Equivalency Evaluation of degrees earned outside the U.S. required to perform job duties of advertised position, if applicable
3 copies	Licenses required to perform the job
3 copies	Board certifications, if applicable
3 copies	Any other evidence of training required to perform job duties as listed on advertisement of position
3 copies	All immigration documents for any period of stay in the U.S.: front and back of I-94; passport biographical, expiration, and visa pages; I-797 Form(S) Approval Notices; I-20 forms; DS-2019 or former IAP-66 forms; Form I-688B, Employment Authorization Document, etc., as applicable
3 copies	Three copies of evidence of having obtained a waiver of the two year home residency requirement (if applicable) – this is essential to be eligible for permanent residence
3 copies	Written advisory / letters of recommendation from professionals in the field attesting to your outstanding skills in the science, including CV's of writers

*Cont....*

3 copies	<p>Documentary evidence of eligibility for the EB-1 Outstanding Professor or Research Permanent Residency classification (<i>see Employment Eligibility section above</i>) – <b>at least two of the following:</b></p> <ul style="list-style-type: none"> <li>• Confirmation of having received a major prize or award for outstanding achievement, criteria to be nominated for this type of award and selection process</li> <li>• Substantiation of membership in associations in the field requiring outstanding achievement with evidence of membership criteria</li> <li>• Sample of published material in professional publications written by others in the field about your work in the field</li> <li>• Evidence of conference presentations or being an invited speaker</li> <li>• Participation on a panel or individual role as a judge of the work of others in the field</li> <li>• Authorship of scholarly books or articles in the field in scholarly journal with international circulation</li> <li>• Proof of original scientific or scholarly research contributions in the academic field</li> <li>• Verification of grant funding</li> <li>• Any other documents you deem appropriate to establish eligibility for the <i>outstanding professor or researcher</i> category.</li> </ul>
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When providing all appropriate documents, **please be mindful of the following tips:**

- ✓ All supporting documents submitted to the U.S. Citizenship and Immigration Services must be in English or accompanied by a certified English translation.
- ✓ Make quality copies
- ✓ Collate copies in the following order:
  - 1) Application fee
  - 2) Application documents (I-140 & ETA 750B)
  - 3) Employment documents;
  - 2) Educational and Professional Credentials;
  - 3) Immigration documents from most recent to oldest;
  - 4) Immigration documents for dependents from most recent to oldest, if applicable
- ✓ Address complete packet of documents to the attention of the Office of International Affairs Director.

Once you have all documents ready as requested, please contact the Director, Ms. Maria C. Arevalo-Sanchez to make an appointment, at 713-500-3176 or by e-mail: [Maria.C.ArevaloSanchez@uth.tmc.edu](mailto:Maria.C.ArevaloSanchez@uth.tmc.edu)

It is the responsibility of the international visitor to maintain legal status in the U.S. while waiting for processing of an immigrant petition. Valid employment authorization must be secured in order to avoid any interruption in employment.