EMPLEYMENT-BASED IMMIGRANT PETITION: EB-1B PHYSICIAN-SCIENTIST

Please read this ENTIRE document carefully and collect the evidence in the manner, order, and format described below. It covers many, many FAQs and is designed to make processing your EB-1B as efficient as possible. Please do not respond to this email with questions that are answered in this document. ISSS needs the information exactly as described below. Any deviation from the below will result in a delay in processing your EB-1B petition.

Immigrant status in the employment-based (EB) first preference category is available to “outstanding professors and researchers.” USCIS defines this further as someone who can “demonstrate international recognition for [] outstanding achievements in a particular academic field.” A petition for EB-1B status does not require UAB (the petitioning employer) to engage in the PERM labor certification process and establishes your priority date (see “TIMING” section below). USCIS review of an EB-1B petition is highly subjective, and the petition requires a substantial amount of supporting evidence. You must collect this evidence, since all of it concerns your personal achievements. A USCIS reviewer of an EB-1B petition is not interested in whether your specialty has a shortage and does not care whether your continued presence is in the US national interest. This category relies solely on your personal, individual achievements based on the criteria below.

USE OF OUTSIDE ATTORNEY

You are welcome to hire an outside attorney of your choice to help collect the necessary recommendation letters for an EB-1B petition. However, your outside attorney cannot file an EB-1B I-140 petition on behalf of UAB and cannot submit Form G-28 to represent UAB in the immigration petition. Your outside attorney must send all underlying evidence and a Word version of the evidentiary support letter they draft for you directly to ISSS at isss@uab.edu to undergo mandatory ISSS review and signature. If the attorney wishes to mail the evidence on paper/in hard copy, they should mail it to: UAB ISSS, Attn: Director Catherine Crowe, 1720 2nd Avenue South, SL 248, Birmingham, AL 35294-0014. ISSS will immediately request USCIS to withdraw any EB-1B petition filed by an outside attorney that has not been reviewed and approved by ISSS. ISSS will prepare the employment verification letter required for EB-1B I-140 petitions; your attorney should not request this letter directly from your department or ask you to request it. Your attorney must coordinate all requests through the ISSS office. We routinely work with several law firms around the country and are happy to coordinate with the attorney of your choosing, but they must follow our process.

MINIMUM REQUIREMENTS FOR EB-1B SPONSORSHIP BY UAB

1. MD or doctoral degree

2. Three years of experience in teaching or research in the field of degree
3. An offer letter for a tenure-track position or permanent research position; and

4. Any **three** of the following, after assessment by ISSS:
   a. Receipt of major prizes or awards for outstanding achievement in the academic field;
   b. Membership in associations in the academic field that require outstanding achievement;
   c. Published material in professional publications written by others about your work in the same or a related field;
   d. Participation on a panel or individually as a judge of the work of others in the same or a related field;
   e. Original scientific or scholarly research contributions to the academic field;
   f. Authorship of scholarly books or articles in scholarly journals with international circulation in the academic field.

You can read more about the EB-1B category directly from USCIS [here](#). ISSS is perfectly aware that USCIS requires someone to meet only two of the six evidentiary criteria. Nevertheless, UAB does not file EB-1B petitions for anyone who does not meet at least three criteria, in the event that USCIS discounts one of the categories of evidence. You must meet **three** criteria.

**GATHERING SUPPORTING EVIDENCE NECESSARY FOR A SUCCESSFUL EB-1B PETITION**

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Upload pdfs of all documents clearly labeled in a Dropbox, Box, or Microsoft OneDrive file made available to isss@uab.edu. If you use Box, please allow ISSS staff access at a **collaboration level higher than “Viewer Uploader”** so that we can print directly from Box without having to download each individual file first. This will save tons of time processing the paperwork. We need every single relevant piece of evidence described below. **Every single one.** Please send us the necessary documentation as requested.

1. **Degrees and Medical Licensure/Certifications**

   Please upload the following documentation in a folder labeled “Education.”

   - All diplomas received, both in the US and abroad. If you earned your MD/MBBS degree outside the US and did not obtain an educational equivalency evaluation during your H-1B process, please order one from a recognized member of NACES. While the EB-1B regulations do not formally require such an evaluation, obtaining one in advance may help avoid a Request for Evidence from USCIS, which will delay adjudication of the I-140 petition.
   - Residency completion certificate
2. **Proof of receipt of major prizes or awards for outstanding achievement in the field.**

Please upload the following documentation in a folder labeled “Awards.”

USCIS is looking for evidence of national and international recognition of your achievements and will focus especially on awards received after your medical training was completed. USCIS also wants to see prizes or awards, plural. Upload copies of the awards/prizes and a certified translation, if not in English. If you won a research or presentation award at a national or international conference, upload either the certificate itself or an email confirmation of the prize. Tracy Maxwell in the ISSS office is a notary. You can schedule an appointment with her for notary services [here](#). Also, upload documentation or provide links from an authoritative source explaining the selection criteria for the award/prize and indicating the significance of the awards/prizes on a national or international level. Please include only awards/prizes awarded after completion of your medical training, such as travel grants received from outside entities (not your university or training institution), grants, fellowships, conference awards for best poster/paper/presentation, etc. Do not include evidence of awards or presentations such as grand rounds, best resident, research day at your training institution, etc. Do include evidence of awards such as best paper or presentation at a national or international conference, research grants received, awards from national or international professional or research organizations for your contributions, etc.

3. **Membership in associations in the academic field that require outstanding achievements**

Please upload the following documentation in a folder labeled “Memberships.”

USCIS wants to know if you have been nominated for or elected to membership in professional associations based on your achievements in the field. USCIS wants evidence of membership in associations, plural. Upload evidence of such memberships, including a link to a description of the membership indicating that someone had to nominate you based on achievement or excellence.

Do NOT upload information about membership in organizations open to the general public simply by paying an annual membership fee. USCIS wants to see membership in multiple associations (i.e., at least two). Print proof of membership in the form of a membership card or letter from the organization. Print the criteria for membership, including whether nominations and/or certain number of publications or years of experience are required, and the total number of members of each association from relevant websites. Again, USCIS is looking for nominated/recommended membership in academic associations based on your achievements—not simply professional memberships that anyone in the field can hold.

If you are simply a paid member of any professional organization in your field, that will not help an EB-1B petition. Do not upload certificates showing mere paid memberships. We will file the EB-1B only with evidence of nominated or elected memberships based on your achievements in the field.

4. **Published material in professional or major trade publications or major media written by others about you relating to the your work in the academic field**
Please upload the following documentation in a folder labeled “Publications about my work.”

Upload copies of your ResearchGate, Google Scholar, and/or Scopus citation indices (whichever one you have that indicates that total number of times your work has been cited. If you have access to the pages of the publications citing your work, please also upload a few cover pages and footnote pages acknowledging your publications, especially if your work has been cited by physician-scientists outside the US. Please don’t upload every article that cited your work. The citation index will be fine. If any news outlets covered your research findings, please also include links to them.

5. Participation on a panel or individually as a judge of the work of others in the same or a related field

Please upload the following documentation in a folder labeled “Judge of the work of others.”

This generally means work you have done reviewing papers submitted to scholarly journals and evidence that you participate on panels that review and accept conference proposals. Evidence that you serve on resident/fellow review panels is OK, but it’s not as good as evidence of journal and conference review (which garners much more attention at the national and international levels).

Upload emails asking you to review articles for professional journals, confirmation emails acknowledging your submissions, letters from journal editorial review boards, certificates confirming your review work. Also upload information about the circulation, H/impact factor, and Google Scholar ranking of the journal(s) in the field. This can easily be found on Scimago and Google Scholar.

6. Evidence of original scientific or scholarly research contributions to the academic field

Please upload the following documentation in a folder labeled “Original Contributions.”

You must collect between 5-7 recommendation letters. At least 3-4 must be from practitioners with whom you have never collaborated (i.e., objective recommenders), and at least 3 should be from practitioners not based in the US. This combination will allow USCIS to see a) the objective excellence of your contributions and b) the international scope of your reputation. ISSS will not submit more than one letter from someone currently at UAB. Do not collect more than one letter from someone who supervised you during a residency or fellowship. The EB-1B category is for individuals who are nationally and internationally recognized in the field, so you should be able to obtain letters from individuals who know the quality of your original contributions after completing your training.

These are not “typical” recommendation letters!! Provide letters from recognized experts in your field commenting on your achievements in the field that clearly and completely demonstrate how your achievements establish you as being “outstanding” in your field. The letters should include information about the writer’s qualifications for commenting on your achievements, including how long and in what capacity the writer has known you. The letters should speak directly to the impact and importance of specific research contributions/discoveries you have made, including direct references to how a particular paper you published or conference presentation you made changed their outlook or their own practices or otherwise influenced the field.

These are not “recommendation letters” like you would solicit for a job opportunity. USCIS is not
interested in your bedside manner or work ethic. The best letters for EB-1B success focus directly on the impact of your original research and publication contributions. **The sole purpose of these letters is to demonstrate the impact and recognition of your contributions to the field.** They are purposefully designed to address only this one specific evidentiary criterion of the EB-1B process. They are not "recommending" you for permanent residence. They are talking specifically about your original contributions.

There is no magic number of expert letters required, but we usually recommend that you collect at least five letters. USCIS very much expects to see **quality over quantity.** The more objective and international letters you can provide, from diverse institutions, the better. Do not upload your recommenders' CVs. Writers should NOT simply regurgitate your CV, and writers should NOT make general statements that you are “ethical,” a “pleasure to work with,” an “up and coming young researcher,” or a “promising physician.” The EB-1B category is for individuals who have already established themselves as at outstanding and who have an international reputation. **Writers should NOT repeat that you have published X papers in Y prestigious journals—USCIS will have your CV and other supporting evidence about your publication record.**

Please obtain letters from as many **objective** recommenders as possible. Letters from individuals **outside the US** are also helpful, since they demonstrate your international impact. Support letters should be **addressed** to USCIS, but do not **mail them to USCIS!** Ask your recommenders to provide the letters directly to ISSS so that we can include them with the rest of the supporting evidence. A clean scanned copy is fine. See the template support letter at the end of this packet.

Please also provide copies of any pending or approved patents as well, as that is direct evidence of an original contribution to the field.

7. **Evidence of scholarly books or articles in scholarly journals with international circulation**

Please upload the following documentation in a folder labeled “Publications.”

Please upload copies of your **top ten** most impressive/high-impact publications, especially those that your recommenders discuss in their letters as having an original and high impact on the field. Upload copies of the cover page of each manuscript, book chapter, or book (with certified English translations as appropriate—notary template provided below) and the first page where the conclusion and end notes/references of the manuscripts begin. Please also upload evidence of the impact factor/ranking/reputation of the journals (from Scimago, Google Scholar journal rankings, etc.). USCIS is interested in highly cited publications in high-impact journals. ISSS generally only includes publications in journals that are either a) ranked in the top 20 by Google Scholar or b) ranked in the first quartile (Q1) by Scimago (these also usually have a three-digit H index). As with recommendation letters, USCIS is looking for quality over quantity. Publications in obscure journals that require payment to be considered are not helpful to an EB-1B petition.

**ADDITIONAL/ALTERNATIVE DOCUMENTATION**

You may have certain achievements that do not fit precisely into the evidentiary categories above. Feel free to upload additional evidence in a folder marked “Extra Documents” so that ISSS can assess whether including the additional information will strengthen your case. Examples include, but are not limited to:

- Proof of patents
- Online videos/case studies
- Curricula developed for training modules
Please do **NOT** upload evidence irrelevant to the EB-1B category. ISSS does *not* need evidence of your work in a shortage area, evidence of high salary or offers from other institutions, information about how your work is in the national interest, or leading/critical roles for prestigious organizations. **None of those types of evidence are relevant to or required for an EB-1B petition.** Such evidence is relevant only to non-employer-sponsored immigration categories like the EB-2 physician national interest waiver and the EB-1A. ISSS will not include this type of evidence with an EB-1B petition.

**COST**

Federal immigration regulations do not *require* employers to pay the USCIS I-140 filing fee and premium processing fee. UAB does not have an institutional policy establishing whether you or your department/division must pay the USCIS filing fee for EB-1B petitions. **ISSS does not decide who pays the filing fee.** Please coordinate payment with your department/division and let us know who will pay. If your department/division administrator needs a Check Request Memo, we will be happy to provide one.

ISSS must receive a check or money order for $700 made payable to “US Department of Homeland Security” (no other abbreviations allowed) for the I-140 filing fee. If you wish to request premium processing to obtain an adjudication within 15 days for an additional $2,500 fee, please also provide a separate check or money order (or ask your department to pay this fee also). **ISSS strongly recommends premium processing,** especially if you need an I-140 approved in time to take advantage of a pre-existing priority date in another category that has become current in the visa bulletin, or if you need an I-140 approved in time to extend your underlying H-1B status beyond six years.

**PLEASE NOTE:** If you will pay the fee(s) up front, it will take approximately three weeks for reimbursement. ISSS will email you a copy of the USCIS notice that Payroll requires for reimbursement *after* the I-140 petition is approved.

**TIMING**

USCIS can take several months to adjudicate I-140s without premium processing. You can always check USCIS processing times [here](#) by selecting Form I-140 and the Texas Service Center. With premium processing, USCIS will adjudicate (meaning approve, deny, or issue a Request for Evidence) within 15 days (sometimes business, sometimes calendar—they often change their mind). Filing an EB-1B I-140 establishes your priority date, which determines when you can file Form I-485, adjustment of status application, to obtain permanent residence (also known as a “green card”). When your priority date becomes current in the US Department of State’s monthly [Visa Bulletin](#), you and your unmarried dependents born outside the US can assemble and file the documents associated with an I-485 application. ISSS will provide you with a checklist upon request.

**TEMPLATE RECOMMENDATION LETTER AND NOTARY FORM FOLLOW BELOW**
TEMPLATE RECOMMENDATION LETTER
(print on employer/department/institution letterhead and return to beneficiary)

Dear recommender: thank you for supporting this EB-1B “outstanding professor or researcher” petition. You can add the most value to the petition by speaking directly to specific achievements, publications, breakthroughs, etc. of the beneficiary rather than repeating items from a CV or providing character references. We enclose copies of manuscripts, degrees, CV, etc. with the petition. USCIS is most interested in your comments about the impact of the beneficiary’s work on the field and the beneficiary’s international reputation.

[Date]

USCIS Texas Service Center
Attn: I-140
6046 Belt Line Rd.
Irving, TX 75038

RE: Employment-Based Immigrant Visa Petition (EB-1B) by the University of Alabama at Birmingham on behalf of [BENEFICIARY]

Dear Immigration Services Officer:

I write to support The University of Alabama at Birmingham (UAB)’s petition for Dr. _____________ to become a permanent resident of the United States. As this letter will show, Dr. _____________ is an outstanding researcher and scientist in the field of _____________, and the United States is fortunate to have recruited him/her.

I am the Director of the _________ of the________ in [CITY, COUNTRY]. I am Professor of __________ at the School of Medicine of the __________. I am a member of academic societies for ________ (name them). I am a reviewer for the prominent peer-reviewed journals in the field of __________ such as [name them]. Continue background/biographical paragraph of reviewer, including boards, appointments. I do/do not know Dr. _____ personally.

One of Dr. ___’s most important contributions was his/her publication in [journal] about [topic]. This research changed the field/caused me to rethink X/received international acclaim for/was heavily cited because . . . e.g., For the first time, because some phosphate metabolites were found to predominant in malignant tumors and others in benign tumors, it was possible to determine the biomedical characteristics of intraocular tumors. The ultimate goal of Dr. ____________’s research is to diagnose ocular tumors correctly so that eyes with benign tumors will not be treated or removed.

Dr. ________ continued his/her studies on intraocular tumors while on the ocular oncology service of [INSTITUTION]. He/she is now perfecting the combination of MRI, gadolinium-DPTA, and fat suppression in the evaluation of intraocular and orbital tumors. He/she has already published significant papers on this subject. For example, he/she has shown that MRI can detect the presence of fibrovascular tissue in the orbital hydroxyapatite implants used to replace eyes removed because of untreatable cancers. This allows the physician to recognize that the implant is integrated into the orbit. As a leader in the field of these pioneering techniques, he/she has been asked to be senior author of the first atlas of magnetic resonance imaging of the eye and orbit.

In addition to his/her superb basic research, Dr. ____________ is recognized to be an outstanding clinician at [INSTITUTION]. He/she is routinely consulted on the diagnosis and management of intraocular, orbital, and ocular adnexae tumors. His/her clinical research includes major papers on the
predictive factors for metastasis and mortality after plaque radiotherapy of malignant melanoma of the conjunctiva and uvea.

Because of his/her outstanding research and international reputation, I strongly support UAB’s petition for an immigrant visa in the outstanding researcher/professor category so that Dr. _____ can become a permanent resident of the United States. We need more physician-scientists like him/her in the US. If I can help in any other way, please, do not hesitate to contact me. Thank you very much for your attention and consideration.

Sincerely yours,

[NAME, TITLE, DEPARTMENT/INSTITUTION]
Notarial Certificate of Translation
State of _____________
County of ______________

The attached documents entitled _________________ were translated from ____________ to English by ____________________________.
I ______________________________ certify that I am fluent (conversant) in the English and ____________________ languages, and that the attached document is an accurate translation of the document attached entitled _________________________.

Typed Name of Translator:
Address:
Date:
Signature: ______________________________

Who appeared before me this ______ day of __________, 2020 in City, State.

Notary signature:

Notary seal: