Empolyment-based Immigrant Petition: EB-1B Faculty or Researcher

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. IFSIS 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 as someone who can “demonstrate international recognition for [ ] outstanding achievements in a particular academic field.” A petition in the EB-1B category does not require UAB (the petitioning employer) to engage in the PERM labor certification process and establishes your priority date as of the date USCIS receives the I-140 (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. The EB-1B category relies solely on your personal, individual achievements based on the criteria below.

General steps:

1. Secure PI/supervisor approval (via email) for the sponsorship process. Please ask your supervisor to email ifsis@uab.edu stating that they support an EB-1B petition on your behalf.
2. Consider whether you want to hire an attorney to help write letters for you (costing a few thousand dollars in fees), or if you want to use the IFSIS template and provide the evidence yourself. An attorney will require you to provide the same information that IFSIS requests.
3. Upload all evidence to a Dropbox or Box file for IFSIS review.
4. Bring USCIS filing fee checks to the Welcome Desk on the second floor of Sterne Library.
5. Wait for USCIS approval of the I-140, then begin assembling your personal I-485 permanent residence application.

USE OF OUTSIDE ATTORNEY

You can hire an attorney to help collect the necessary support letters and other underlying evidence for an EB-1B petition. However, your attorney cannot file an EB-1B I-140 petition on behalf of UAB and cannot submit Form G-28 to represent UAB. Your attorney must mail all evidence and email a Word version of the evidentiary support letter directly to IFSIS at ifsis@uab.edu to undergo mandatory IFSIS review and signature. If the attorney wishes to mail the evidence on paper/in hard copy via the US Postal Service, they should mail it to: UAB IFSIS, Attn: Executive Director Catherine Crowe, 1720 2nd Avenue South, SL 248, Birmingham, AL 35294-0014. If it will be shipped via FedEx or UPS, the attorney should send it to: UAB IFSIS, Attn: Executive Director Catherine Crowe, 917 13th Street South, SL 248, Birmingham, AL 35233.

IFSIS will immediately ask USCIS to withdraw any EB-1B petition filed by an outside attorney that has
not been reviewed and approved by IFSIS. IFSIS will prepare USCIS Forms I-140 and I-907, draft the employment verification letter, collect checks, and obtain the appropriate signatures. Your attorney should not request these forms directly from your department or ask your department to sign forms they have prepared. **Your attorney must coordinate all requests through the IFSIS office.** IFSIS often works with law firms around the country and is happy to coordinate with your attorney, but they must respect and follow IFSIS processes.

Be aware that an outside attorney will require to provide the same, if not more, evidence described below in this Factsheet. An attorney’s main “value added” is to help obtain the support letters needed from other professionals in the field. Otherwise, you will have to provide the same information to an attorney as you would to IFSIS.

**MINIMUM REQUIREMENTS FOR EB-1B SPONSORSHIP BY UAB**

1. Terminal degree (MD or PhD; will consider master’s degree *in some circumstances*)
2. Three years of experience in teaching or research in the field of degree
3. An offer of either tenure, a tenure-track position, or a “permanent” research position; and
4. Any **three** of the following, after assessment by IFSIS:
   a. Original scientific or scholarly research contributions to the academic field;
   b. Authorship of scholarly books or articles in scholarly journals with international circulation in the academic field;
   c. Participation on a panel or individually as a judge of the work of others in the same or a related field;
   d. Receipt of major prizes or awards for outstanding achievement in the academic field;
   e. Membership in associations in the academic field that require outstanding achievement;
   f. Published material in professional publications written by others about your work in the same or a related field.

Learn more about the EB-1B category directly from USCIS [here](#). While USCIS requires only two of the six evidentiary criteria, **UAB does not file EB-1B petitions unless you meet at least three criteria, in case USCIS discounts one of them. You must meet **three** criteria.**

The most common criteria met by UAB outstanding professors and researchers are: original scientific or scholarly contributions, authorship of scholarly books/articles, participation as a judge of the work of others via peer review for scholarly journals, and receipt of major prizes (conference best paper awards, prestigious grants, etc.).

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

Upload pdfs of all documents clearly labeled in a Dropbox, Box, or Microsoft OneDrive file made
available to cpcrowe@uab.edu. If you use Box, please allow IFSIS staff access at a collaboration level higher than “Viewer Uploader” so that IFSIS can print directly from Box without having to download each individual file first. This will save significant time processing the paperwork. IFSIS needs every single piece of evidence described below that is relevant to your particular situation. Every single one. Please upload the necessary documentation as requested. IFSIS will contact you with additional questions if necessary.

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

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

Collect no more than five recommendation letters. At least three must be from practitioners with whom you have never collaborated (i.e., objective recommenders), and at least two 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. IFSIS 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 your PhD studies, fellowship, or postdoctoral training. 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 education.

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 collegiality or work ethic, or who your thesis supervisor was. 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.

No specific number of recommendation letters is required, but IFSIS recommends 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 young scientist.” The EB-1B category is for individuals who have already established themselves as 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. It is a good idea to
have two letters from international researchers or practitioners. Support letters should be addressed to USCIS, but do not mail them to USCIS! Ask your recommenders to provide clean, scanned, signed copies of the letters directly to you and upload them with the rest of the supporting evidence. See the template support letter at the end of this packet.

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

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

Select 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.). IFSIS needs native pdfs of the Scimago and Google Scholar rankings—all evidence must be legible and printable for USCIS review in hard copy. Screen shots are not acceptable.

USCIS is interested in highly cited publications in high-impact journals. IFSIS 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.

3. **Participation on a panel or individually as a judge of the work of others**

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

Upload emails confirming your review of articles for professional journals, letters from journal editorial review boards, and certificates confirming your review work. Evidence that you serve on UAB dissertation review panels is OK, but it’s not as good as evidence of journal and conference review. This generally means that you review papers submitted to scholarly journals and/or participate on panels that review and accept conference proposals. Do not include both the email asking you to review a paper and the email thanking you for reviewing that same paper. The email thanking you/confirming that you reviewed the paper is sufficient.

4. **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 education 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 (best evidence) or email confirmation of the prize (second-best evidence). Also, upload documentation or provide links from an authoritative source explaining the selection criteria for the awards/prizes and indicating the significance of the awards/prizes on a national or international level. Please include only awards/prizes awarded after completion of your education, such as travel grants received from outside entities (not your university), grants, fellowships, conference awards for best poster/paper/presentation, etc. Do not include evidence of awards or presentations such as research presentations.
day at your training institution, etc. USCIS is looking for national/international recognition of your work.

NEA, NEH, NIH or other prestigious grant funding can also be evidence of an “award” for outstanding achievement. If you have received any of these grants, please upload the actual, official federal grant award papers (not merely an email notification of award) listing you as PI or a contributing researcher.

5. **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.

USCIS wants to see membership in multiple associations (i.e., at least two). Upload proof of membership in the form of a membership card or letter from the organization. Upload the criteria for membership, including whether nominations and/or a 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.

Do **NOT** upload information about membership in organizations open to the general public simply by paying an annual membership fee. 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. IFSIS will file the EB-1B only with evidence of nominated or elected memberships based on your achievements in the field.

6. **Published material in professional or major trade publications or major media written by others about you relating to 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 cover the others. If any news outlets covered your research findings, please also include links to them.

Also upload evidence that you have been quoted in news coverage about your work, or that independent news outlets (industry magazines, news stations, professional associations, other media, etc.) have published content discussing your achievements/research. When uploading this information, make sure that the news source is identified directly on the face of the document. This may mean that you need to add headers/footers before saving so that the name of the news outlet or website appears on the face of the document.

**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” in Box so that IFSIS 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

Please do **NOT** upload evidence irrelevant to the EB-1B category. IFSIS does not need evidence of high salary or offers from other institutions, information about how your work is in the national interest, or leading/critical roles you may have performed 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 national interest waiver and the EB-1A. IFSIS 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 departments generally ask the employee to pay the fees upfront via personal check and then submit a reimbursement request from UAB Payroll. The reimbursement will be taxed as a benefit to you. **IFSIS does not decide who pays the filing fee.** Please coordinate payment with your department/division and let IFSIS know who will pay. If your department/division administrator needs a Check Request Memo, IFSIS will be happy to provide one.

IFSIS 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 as well). IFSIS **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.

If you want to pay the fees up front and be reimbursed, please bring the check(s) to the Welcome Desk on the second floor of Sterne Library at 917 13th Street South. There is no need to schedule an appointment to drop off checks. Please put them in an envelope marked “LAST NAME I-140 Checks.”

Checks and money orders must be made payable to “US Department of Homeland Security.” Do not use any other abbreviations.

**PLEASE NOTE:** If you will pay the fee(s) up front and request reimbursement through UAB Payroll, it will take approximately three weeks for reimbursement. IFSIS 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 an I-140 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. IFSIS will provide you with a checklist upon request.

**TEMPLATE RECOMMENDATION LETTER AND NOTARY FORM FOLLOW BELOW**
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. UAB encloses 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 has been fortunate to recruit 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 Dr. ______ to become a permanent resident based on outstanding teaching and research contributions. We need more researchers 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 entitled _________________________.

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

Who appeared before me this ______ day of __________, 2022 in City, State.

Notary signature:

Notary seal: