EMPLOYMENT-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. IFSIS needs the information exactly as described below. Any deviation from the below will result in a delay in processing your EB-1B petition. If you have questions, please attend Office Hours any Tuesday between 3-5 PM on Zoom. Link and passcode are provided in the weekly e-newsletter from IFSIS.

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 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 on 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. 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.

General steps:

1. Secure supervisor/division director/department chair approval (via email) for the sponsorship process. Please ask your sponsor 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 IFSIS office, unless your department will pay the fees.
5. After USCIS approval of the I-140, compile 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, AB 420, Birmingham, AL 35294-0010. If it will be shipped via FedEx or UPS, the
attorney should send it to: UAB IFSIS, Attn: Executive Director Catherine Crowe, 701 20th Street South, AB 420, Birmingham, AL 35233.

IFSIS will immediately request USCIS to withdraw any EB-1B petition filed by an outside attorney without IFSIS review and final preparation. 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.

Please note: IFSIS obtains an employment verification letter directly from your department administrator. Your attorney should not draft or request an additional employment verification letter. The one that IFSIS provides in the final I-140 petition suffices to establish that you have a “permanent” position and have the requisite number of years of experience to qualify for EB-1B sponsorship. IFSIS will also include information about the employer’s ability to pay the wage offered. Your attorney should not ask you or your department administrator to provide any financial documents or other evidence of ability to pay.

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 CLINICAL FACULTY EB-1B SPONSORSHIP BY UAB

1. MD or doctoral degree
2. Three years of experience in the field (can include fellowship)
3. A UAB offer letter for a tenure-track position or permanent research position; and
4. Any three of the following, after assessment by IFSIS:
   a. Original scientific or scholarly research contributions to the field;
   b. Authorship of scholarly books or articles in scholarly journals with international circulation in the 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 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. IFSIS is perfectly aware that USCIS requires a beneficiary to meet only two of the six evidentiary criteria. Nevertheless, UAB does not file EB-1B petitions unless you meet at least three criteria, in case USCIS discounts one of the categories of evidence. We want the petition to be successful. 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.).

Please read this ENTIRE section 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.

GATHERING 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 the IFSIS staff member who processed your H-1B petition. 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. We will not begin processing the petition until all evidence is uploaded.

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

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

Collect no more than five recommendation letters. Please see the template below in this document. It is helpful if you take the time to modify the “re” line and opening paragraph slightly for each recommender and use different fonts to give the letters a distinct sound and appearance. A template is designed to give you direction about the content, style, organization, and appropriate length of the letter. You are responsible for providing the description of the specific publication, presentation, abstract, case report, etc. that the recommender will highlight as significant and original. It is fine if more than one letter covers the same publication if it was a particularly high-impact discovery or contribution, but try to have 3-4 of your contributions discussed in total across the five letters. IFSIS selects the most useful/high-impact quotations from each letter to include in UAB’s overall support letter.

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 employed by 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. Your supervisor/director/chair should be able to identify colleagues who would be willing to sign a letter on your behalf.

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 (or, instead, stating that they have never worked with you). The letters should speak directly to the impact and importance of specific 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, improved patient outcomes, utilized a new technology/treatment, 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. Please see the template below in this document.

No specific number of recommendation letters is required. IFSIS recommends that you collect no more than 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 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 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.

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

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

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

Select no more than your top ten most impressive/high-impact publications, especially those that your recommenders discuss in their letters as having an original and significant impact on the field. Upload ONLY copies of the cover page of each manuscript or book chapter (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. USCIS does not want complete copies of every paper you have published—they won’t read them.

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 with tiny font 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, unranked, or unindexed journals or journals that require payment to be considered are not helpful to an EB-1B petition.

A note about abstracts/case reports: abstracts and case reports from national/international conference presentations or poster sessions that are published in a supplement to a highly-ranked journal can be useful, though not overwhelming, evidence of a “publication record.” IFSIS prefers to discuss such documents separately from full-length scholarly journals published as manuscripts. The best/better evidence for such items is the page from the national/international conference program listing you as an author on the poster/case report/presentation, or an email sent to your email address confirming that your poster/case report was selected for presentation at a conference.

3. 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.”

Upload emails confirming your review of articles for professional journals, letters from journal editorial review boards, and/or certificates confirming your review work. USCIS will also consider evidence of your work as a reviewer conference proposals or service on a national or international committee responsible for determining the success of others in the field (such as evaluating resident/fellow performance on exams) or for establishing the curriculum in the field. 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).

Do not “pad” the evidence by uploading 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. If the journal(s) you review for don’t send confirmation emails, please log in to whatever tracking system the journal uses and print a legible, pdf screenshot of whatever shows how many reviews you have completed for the journal. IFSIS just needs documentary evidence of your participation.

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 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 (best evidence) or an email confirmation of the prize (second-best evidence). Also, upload documentation or provide links from an authoritative source explaining the selection criteria for the award/prize and indicating the significance of the award/prize 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.

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 your name specifically as PI, co-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 expects 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. 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 granted 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. This can mean membership at the “fellow” level in professional associations that grant that designation (e.g., FACP).

If you hold committee appointments in national or international professional associations that are otherwise dues-paid, please upload an email or letter confirming that you were selected to serve on such committees based on your expertise, experience, reputation, and/or achievements. Again, USCIS is looking for evidence indicating that you became a member or serve on a committee for an organization because of your expertise, not merely because you volunteered or paid annual dues.

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 publications citing your work, select 7-8 examples of citations by physician-scientists outside the US (ideally representing 7-8 different countries) and upload ONLY the cover page and footnote page where your paper is cited. This will help demonstrate the international reach/reputation of your work. Please don’t upload every article that cites your work.

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/discoveries in patient outcomes. When uploading this information, make sure that the news source is identified directly on the face of the document. You may need to add headers/footers before printing to pdf so that the name of the news outlet or website appears on the face of the document. If we can’t prove the source in a legible manner, we can’t include the coverage.

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 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
- Curricula developed for training modules

Please do NOT upload evidence irrelevant to the EB-1B category. IFSIS 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. 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 does not have an institutional policy establishing whether you or your department/division must pay the USCIS filing fee for EB-1B petitions. 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, we will be happy to provide one. The Check Request Memo describes exactly which UAB accounts are eligible for paying immigration fees, and your department administrator can contact Financial Affairs directly with any questions.

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 also). 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 will pay the fees up front and be reimbursed, please bring the check(s) to the IFSIS office between 8:00 AM and 4:45 PM. 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, you can request reimbursement through UAB Payroll, although the amount will be taxable as a benefit to you. It will take approximately three weeks for
IFSIS will email you a copy of the USCIS receipt that Payroll requires for reimbursement after the I-140 petition is approved. Please direct all questions regarding the reimbursement process to your department administrator or Financial Affairs. IFSIS is not involved in the reimbursement process.

**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 calendar days, excluding federal holidays. 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 your personal I-485 “green card” application. IFSIS 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, sign, and return a scan to requestor)

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 the requestor’s specific achievements, publications, breakthroughs, etc. 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 requestor’s publications/case reports/abstracts/discoveries or contributions to better patient outcomes on the field.

[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 [REQUESTOR’S FULL NAME]

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 ________, 20__ in __________ City, ________ State.

Notary signature:

Notary seal: