EMPLOYMENT-BASED IMMIGRANT PETITION: FIRST PREFERENCE (EB-1B)

There are five categories of employment-based (EB) immigrant status available based on levels of education, skill, and experience. EB-1B status is available to outstanding professors and researchers. A petition for EB-1B status does not require UAB (the petitioner) to engage in the PERM labor certification process and allows an international worker (the beneficiary) to apply for permanent residence immediately upon approval. USCIS review of an EB-1B petition is highly subjective, and the petition requires a substantial amount of supporting evidence.

MINIMUM REQUIREMENTS FOR UAB SPONSORSHIP:

1. Doctoral degree
2. Three years of experience in teaching or research after earning a doctoral 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 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 the beneficiary’s 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.

SUPPORTING EVIDENCE:

1. Experience letters

The beneficiary should obtain evidence documenting three years of post-doctoral degree teaching and/or research experience in a letter from current and former employers including the name, address, and title of the writer and a specific description of the duties performed by the beneficiary. Experience in teaching or research while working on a doctoral degree is acceptable only if the beneficiary has received the degree and the teaching duties were such that he/she had full responsibility for the classes taught, or if the research toward the degree has been recognized as outstanding within the academic field.

Support letters should be addressed to USCIS, but not be mailed to USCIS! Recommenders should provide the letters directly to the beneficiary so that the beneficiary can provide them to ISSS. ISSS will then file the completed Form I-140 and all supporting evidence with USCIS.

ISSS/EB-1B Petition
01/30/2018
2. Permanent job offer

UAB must provide a letter offering the beneficiary either tenure, a tenure-track position, or a permanent research position in his/her academic field. Research positions are generally not tenure-track; USCIS has defined a "permanent research position" as one which the employer intends to continue for an indefinite period of time. Proof that a research position is permanent may include copies of personnel paperwork and/or budget sheets from grants. Postdoctoral scholars do not hold permanent research positions and therefore cannot be sponsored in the EB-1 category.

3. Additional Criteria

a. Receipt of major prizes or awards for outstanding achievement in the academic field

The beneficiary should provide a copy of the award/prize and a translation of the document, if not in English. In addition, provide documentation from an authoritative source explaining the criteria for the award/prize and indicating the significance of the award/prize on a national or international level.

b. Membership in associations in the academic field that require outstanding achievements of their members

Documentation should include proof of membership in the form of a membership card, proof of payment of dues, etc. Include the criteria for membership, steps required to become a member, and the total number of members of each association. This does NOT include membership in organizations open to the general public simply by paying an annual membership fee.

c. Published material in professional or major trade publications or major media written by others about the beneficiary relating to the beneficiary’s work in the academic field

Documentation should include the date and author of such material and any necessary translations. Evidence must include copies of the material and should be categorized according to (i) reviews of the beneficiary’s work; (ii) research continuing from (or inspired by) the beneficiary’s work; and (iii) footnoted acknowledgment of data from the beneficiary’s publications.

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

Documentation may include review articles written by the beneficiary and published in professional journals, letters from journal editorial review boards acknowledging that the beneficiary has served as a reviewer of manuscripts for publication in peer-reviewed journals, letters from universities attesting that the beneficiary has served on dissertation or thesis committees, and/or letters or other written documentation attesting that the beneficiary judged a scientific competition. Documentation should also include evidence that the beneficiary completed the requested task, not just letters of invitation.

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

Documentation should include letters or affidavits from recognized experts in the beneficiary’s field of endeavor commenting on the beneficiary’s achievements in his/her field that clearly and completely
demonstrate how the beneficiary’s achievements elevate him/her to the status of outstanding professor or researcher with national or international recognition. These letters should include information about the writer’s qualifications for commenting on the beneficiary’s achievements and how long and in what capacity the writer has known the beneficiary.

Approved patents may serve as evidence of original scientific research. Proof of participation in professional conferences and meetings may provide evidence of original scientific or scholarly research contributions.

f. Evidence of scholarly books or articles in scholarly journals with international circulation in the academic field

The beneficiary should provide copies of the cover page of each article, book chapter, or book with English translations as appropriate. Evidence should include the extent of circulation of the journals. If the beneficiary is not the primary author of an article, he/she should obtain a letter from the primary author(s) stating whether the beneficiary’s involvement included any notable function on either the research or writing teams (leadership, control, design, etc.).

ADDITIONAL DOCUMENTATION:

- Current CV or resume
- Copies of diplomas (with English translations, as appropriate), a credential evaluation for any degree earned outside the US, and licenses (if required for the position)
- Check for $700 payable to “US Department of Homeland Security” (not required until ISSS is ready to file the I-140 petition with USCIS)

USE OF OUTSIDE ATTORNEY:

Beneficiaries are welcome to retain outside counsel to assist with letter collection and other facets of the EB-1B process. However, UAB does not allow outside counsel to enter a G-28 as a representative of the university. All EB-1B petitions assembled by outside counsel must be delivered to ISSS for review and routing across the university for signatures per UAB protocol.