Immigrant Visa: Supporting Evidence Required for Employment-based Immigrant Visa Petitions

Background

One way for a noncitizen to be sponsored for an immigrant visa is for an employer to submit a petition on behalf of the noncitizen to the United States Citizenship Immigration Services (USCIS) for an employment based immigrant visa.

To be eligible for such a visa, the noncitizen must belong to one of the USCIS' "preference classifications" of workers. For some preference classifications, the petition must have certain kinds of supporting evidence.

This document describes the supporting evidence employers must provide in certain cases when petitioning for an employment-based immigrant visa on behalf of a noncitizen. For more information, see the following documents:

- Immigrant Visa (Permanent Residency)
- Immigrant Visa: Preference Classifications for Employment-Based Immigrant Visas
- Immigrant Visa: Petitioning for an Employment-Based Immigrant Visa

Supporting Evidence

In the context of this document, "supporting evidence" is evidence that indicates that the noncitizen meets the qualifications of a given preference classification.

Not all preference classifications require supporting evidence. Those that do are indicated in "Preference Classifications" below.

Note: Depending on the preference classification, petitions may require other kinds of supporting documentation besides the supporting evidence described in this document. For more information, refer to Immigrant Visa: Petitioning for an Employment-Based Immigrant Visa.

Preference Classifications

The following table lists the preference classifications relevant to Research Foundation (RF) employment and indicates whether supporting evidence is required. The required supporting evidence is described following the table:

Preference Classification		Supporting Evidence Required?	
		Yes	**No**
1	Priority workers, including:	x	

	a. noncitizens of extraordinary ability	x	
	b. outstanding professors and researchers		
	c. managers and executives subject to transfer to the U.S.		x
2	a. noncitizens of exceptional ability	x	
	b. advanced degree professionals		x
3	a. professionals with bachelor's degrees not qualifying in the second preference		x
	b. skilled workers		x
	c. unskilled workers		x

Supporting Evidence for Classification 1(a)

A petition for a noncitizen of extraordinary ability must be accompanied by evidence to prove national or international recognition and acclaim.

Evidence of a major, internationally recognized award, such as an Academy Award or a Nobel Prize, is sufficient to prove extraordinary ability.

In the absence of such an award, evidence of at least three of the following is also acceptable:

- the receipt of lesser internationally or nationally recognized prizes or awards of excellence in the field;
- membership in associations in the field that require outstanding achievements of their members;
- published material in professional or major trade publications or media about the person, relating to his or her work in the field;
- participation on a panel, or individually, as the judge of the work of others in the field;
- original scientific, scholarly, artistic, athletic or business-related contributions of major significance in the field;
- authorship of scholarly articles in professional journals or other major media;
- evidence of the display of work in the field at artistic exhibitions or showcases;
- evidence that the person has commanded a high salary or other significantly high remuneration for services in relation to others in the field;
- evidence that the person has performed in a leading or critical role for organizations that have a distinguished reputation;
- evidence of commercial success in the performing arts.

    If the above standards do not readily apply to the person's occupation, comparable evidence is required.

Supporting Evidence for Classification 1(b)

A petition filed under this category must include evidence of at least three years of research and/or teaching experience. The evidence must be in the form of letters from prior employers detailing previous employment experience, including exact dates of employment and a detailed description of the dutiesperformed.

The petition must also provide evidence that the person is recognized as internationally outstanding in the specific academic area. This evidence must be in the form of documentation of at least two of the following:

- receipt of major prizes or awards for outstanding achievement;
- membership in associations in the academic field that require outstanding achievements of their members;
- published material in professional publications written by others about the person's work in the field;
- participation on a panel, or individually, as the judge of the work of others in the field;
- authorship of scholarly books or articles in the field in scholarly journals with international circulation;
- evidence of original scientific or scholarly research contributions to the academic field.

Supporting Evidence for Classification 2(a)

The petition must be supported by evidence of at least three of the following:

- academic records, such as degrees, prizes, awards, and diplomas, in the area of exceptional ability;
- letters from current or former employers showing that the person has at least 10 years of full-time experience in the occupation;
- a license to practice the profession or certification for the occupation;
- evidence that the person has commanded a high salary;
- membership in professional associations;
- recognition for achievements and significant contributions to the industry or field by peers or organizations.

Feedback

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