

GREEN CARD FOR SPECIAL CATEGORIES:

For some, there are alternatives to labor certification in applying for permanent residence (or "green card" status).

National Interest Waiver - EB-2

An alien may apply for permanent residence status (Green Card) and seek a waiver of the offer of employment by establishing that his (her) admission to permanent residence would be in the National Interest.

There is no rule or statutory standard as to what will qualify an alien for a National Interest Waiver. The INS considers each case on an individual basis.

The procedure is to file the case with evidence to establish that the alien's admission to the United States for Permanent Residence would be in the national interest.

Who qualifies?

Factors that have been considered in successful cases include:

- The aliens admission will improve the U.S. economy.
- The aliens admission will improve wages and working conditions of U.S. Workers.
- The aliens admission will improve educational and training programs for U.S. children and underqualified workers.
- The aliens admission will provide more affordable housing for young, aged, or poor U.S. residents.
- The aliens admission will improve the U.S. environment and lead to more productive use of the national resources.
- The aliens admission is requested by an interested U.S. government agency.

Cases in which National Interest Waivers are sought should be supported by affidavits from well-known, established and influential people or organizations.

For example, an application being submitted for a scientist should contain affidavits from leading scientists, representatives, and from other organizations associated with the type of research to be pursued.

Documenting past achievements, as well as proof that the alien has already created jobs, turned around a business or created an increase in exports or other economic improvements should prove instrumental in gaining approval.

The following is a note from the INS Texas Service Center:

- Those seeking qualification for a waiver of labor certification based on services considered in the national interest must make a showing significantly above that to prove prospective national benefit required of all aliens seeking qualification as exceptional. It applies only to aliens who will substantially benefit prospectively the national economy, cultural or educational interests or welfare of the United States.
- National interest cases require that the emphasis rest with the overall value and potential of the beneficiary's individual contribution to the U.S. -- not the fact that they are working in a field of high national interest. The alien may qualify by being found to be

a key or critical member of a team if it can be shown that the team function would be severely impaired without this member. Merely working in an area of national interest does not necessitate a finding of national interest qualification.

- We highly recommend the submission of better testimonial letters from substantial, recognized national or international organizations/institutes/ government agencies with the expertise to definitely say that the work or contribution of the individual truly is in the national interest. The authors of these third-party testimonial letters should clearly state how they came to be familiar with the aliens work.
- When accompanied by these improved advisory opinions, and when focused on the individual, time will be saved and returns for evidence will be reduced. Also, placing the testimonial evidence with the attorney/petitioner summary letters at the front directly beneath the Form I-140 will eliminate examiner time spent wading through academics articles, field surveys, general reports, etc., which often add minimal weight to bolster the claim for his/her specific achievements or individual national interest potential.
- We see many claims for graduate students who have not had enough time or experience as a researcher or engineer in order to qualify for E21 category and have done little, outside the work required to complete their degree. Often the claim is made that their area of research is so potentially cutting edge, or so significant that it must be in the national interest. In accordance with established criteria, it should be very difficult for the above-described person to qualify. This class is not designed for all graduate researchers to qualify.
- Our officers look for realistic evidence of substantial prospective benefit, to a national interest item or agenda which specifically sets the alien apart from others in the field.

What types of supporting documents are required?

Evidence of a one-time achievement (i.e., a major, internationally-recognized award), or at least three of the following:

- receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor,
- membership in associations in the field which require outstanding achievements as judged by recognized national or international experts, published material about the alien in professional or major trade publications or other major media,
- participation on a panel or individually as a judge of the work of others in the field or an allied field,
- original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field,
- authorship of scholarly articles in the field, in professional or major trade publications or other major media,
- display of the alien's work at artistic exhibitions or showcases,
- evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation,
- evidence that the alien has commanded a high salary or other high remuneration for services, or
- evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.

If the above standards do not readily apply to the alien's occupation, you may submit comparable evidence to establish the alien's eligibility.

Extraordinary Ability - EB-1

An individual may qualify for a green card if his/her extraordinary ability in the sciences, arts, education, business, or athletics has been demonstrated by:

- Sustained national or international acclaim as evidenced through extensive documentation;
- The individual seeks to enter the United States to continue work in the area of extraordinary ability; and
- His/her entry will substantially benefit prospectively the United States. No offer of employment is required for this category.

Extraordinary ability immigrants fall under the first preference employment-based immigrant visa category.

The Immigration and Naturalization Service ("INS") defines "extraordinary ability" as "a level of expertise indicating that the individual is one of that small percentage who have risen to the very top of the field of endeavor," as proven by "sustained national or international acclaim" and that one's achievements have been recognized in the field of expertise.

For this elite category, one may qualify by either demonstrating a one-time achievement such as the receipt of a major internationally recognized award, such as a Nobel Prize or an Academy Award, or more commonly, on the basis of a career of acclaimed work in the field of endeavor.

To prove extraordinary ability on the basis of a career of acclaimed work in the requisite field, one must submit voluminous documentation.

The INS considers the following types of evidence in evaluating whether an individual qualifies under the extraordinary ability category:

- Documentation of the receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
- Documentation of membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields;
- Published material in professional or other major trade publications or major media, relating to the one's work in the field;
- Evidence of one's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field;
- Evidence of one's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;
- Evidence of one's authorship of scholarly articles in the field, in professional or major trade publications or other major media;
- Evidence of the display of one's work in the field at artistic exhibitions or showcases;

- Evidence that one has performed in a leading or critical role for organizations or establishments that have a distinguished reputation;
- Evidence that one has commanded a high salary or other significantly high remuneration for services, in relation to others in the field;
- Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disc, or video sales; or
- In circumstances where the above standards do not readily apply to an occupation, immigration regulations permit comparable evidence to establish eligibility.

It is insufficient to simply meet three of the ten regulatory criteria, if sustained international acclaim is not proven.

The overall evidence must demonstrate that his/her achievements in his/her field have been recognized as extraordinary.

Outstanding Professors and Researchers - EB-2

A professor or researcher who is internationally recognized as outstanding in a specific academic area may obtain this classification and avoid labor certification.

The outstanding professor and researcher category is a first preference employment-based immigrant visa category.

The individual must have three years' teaching or research experience in the academic area and must have a job offer for a tenure university teaching (or research) position, or comparable position to conduct research for a private employer which has documented research accomplishments and employs at least three full-time persons in research.

The INS considers the following types of evidence in evaluating whether an individual qualifies as an outstanding professor or researcher:

1. Documentation of the beneficiary's major prizes or awards for outstanding achievement in the academic field;
2. Documentation of the beneficiary's membership in associations in the academic field which require outstanding achievements;
3. Published material in professional publications written by others about the beneficiary's work in the academic field;
4. Evidence of the beneficiary's participation, either individually or on a panel, as the judge of the work of others in the same or an allied academic field;
5. Evidence of the beneficiary's original scientific or scholarly research contributions to the academic field; or
6. Evidence of the beneficiary's authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field. It is insufficient to simply meet two of the six regulatory criteria. The overall evidence must prove international recognition.

How long does it take?

4-8 months to obtain a decision from the INS.

How much does it cost?

The INS fee is \$115. CanAm Immigration Services fee is \$3,500. \$1500 is required to begin the case & \$2000 is due upon INS approval.

We have a money-back-guarantee. In the unfortunate event that your application is rejected for reasons other than misrepresentation, we would return you money within one week of notification. A service fee of \$100 is retained for miscellaneous expenses.

As members in good standing of the “Better Business Bureau” of North America, we have an excellent track record of dealing fairly with all our clients.



How can CanAm Immigration help me?

Our value comes in knowing what the INS needs and requires in different situations.

The entire case rests on how well and convincing your documentations are presented. It is therefore; absolutely essential that you get professional help in this area, as it is a major decision you are embarking on. Preparing and presenting documentation requires considerable experience and expertise in immigration procedures and regulations.

All your documents are filled out on our computerized forms and when completed are neatly tagged and indexed into a binder. Our firm has extensive experience in obtaining approval for clients in the Academic, Research and Science and business sectors.

Among others, we have on our team an accomplished Scientist (a doctorate in Medical Genetics) who has retired from his field and helps medical professionals establish them in North America. Should you be in an academic field, you will greatly benefit from his expert and professional help in preparing your documentation. Businessmen will greatly benefit from the expert advise and help from one of our team members who is a leading economist (doctorate from California State University). Our team includes lawyers and Medical staffs whose contribution are often sought to complete a file.

We help you gather the correct supporting evidence that will present your case in the best possible light. As we will be spending a significant amount of time and effort on your application, we will only accept cases we feel will have a high chance of INS approval.