

Extraordinary Ability (self-petition)

This category does not require a job offer or a Labor Certification. As with National Interest Waivers, this category does not require that the individual have an offer of permanent employment; however, the standards for this category are higher, including only those individuals who are at the very top of their field. While USCIS regulations specifically list fields of endeavor in the sciences, arts, education, business, or athletics, they have also exercised broad interpretation of how specific occupations fit into these fields; even animal trainers who meet the extraordinary ability standards have been approved as aliens of extraordinary ability in "the arts".

In order to qualify as an "Alien of Extraordinary Ability", an individual must show either a one-time achievement (such as receipt of a major internationally recognized award of the caliber of the Nobel Prize or an Olympic Medal), or meet at least 3 of the following criteria:

- Receipt of lesser nationally and internationally recognized prizes or awards for excellence in the field of endeavor;
- Membership in associations in the field which require outstanding achievements of their members, as judged by experts in the field;
- Published materials about the individual in professional or major trade publications, or appearance/published materials about the individual in other major media;
- Participation, either individually or as part of a panel, as a judge of the work of others in the field (including requests to serve as a reviewer/referee for articles to be published, invitations to serve on discussion and advisory panels, etc.);
- Original scientific, scholarly, artistic, athletic or business-related contributions of major significance in the field;
- Authorship of scholarly articles in the field, as published in professional or major trade publications or in other major media;
- Display of the individual's work in the field at artistic exhibitions or showcases;
- Serving in a leading or critical role for organizations or establishments that have a distinguished reputation;
- Commanding a high salary or other significantly high remuneration for services, as compared to others in the field; and/or
- Commercial success in the performing arts, such as box office receipts or record, cassette, compact disk and video sales.

The USCIS may also accept additional types of documentation of extraordinary ability if the above mentioned factors do not readily apply to the individual's field of expertise. The petition must be supported by letters from peers and colleagues in the individual's field of expertise, including independent references who have never worked with the applicant. It is important to demonstrate that the individual has a sustained national or international reputation.

Approval of an Extraordinary Ability petition is currently taking at least 6 months to a year from the date that the initial petition is submitted to the USCIS. Please note that processing times may vary depending on caseload and administrative delays at regional USCIS Service Centers. The next step is to file for permanent residence based on the approved I-140 in the U.S. or at a U.S. consulate abroad. The permanent residence application may also be filed concurrently with the I-140 Extraordinary Ability petition.

Premium Processing requires filing an additional \$1000 fee, and in return the USCIS will make an initial decision on the case in 15 days. If additional evidence is requested, a final decision will be made within 15 days of filing the evidence. Note that a petition can be upgraded to Premium Processing, even if it was not originally filed with the \$1000 fee.

The O-1 is a temporary employment visa that is a good first-step to obtaining permanent residency based on Extraordinary Ability. Please see the O-1 visa section for details.