



# Extraordinary Ability:

America's little-known invitation to gifted foreigners

America has always attracted the world's best and brightest. Just as the benefits of democracy and a free economy have long lured world-caliber talent, so too have these exceptional immigrants contributed significantly to America's enduring leadership, whether in the arts, sciences, diplomacy, sports or humanitarian efforts.

To these gifted persons, America's immigration system offers a special status, "aliens of extraordinary ability," commonly known by the shorthand EB-1.1, this little-known invitation to residency is reserved exclusively for those who have demonstrated a sustained national or international acclaim and whose achievements have placed them at the top of their field or endeavor.

## BENEFITS

A successful Extraordinary Ability applicant bypasses many of the traditional requirements to work or live in the United States, most notably the employment relationship. An EB-1.1 applicant files autonomously based solely on their body of work and accomplishments, without need of U.S. sponsorship or employment. In effect, EB-1.1 confers residency status. Additionally, all of the same benefits afforded to a successful applicant are extended to the spouse and children under 21 years of age.

## CRITERIA

Recipients of the highest honor in their field (Nobel Prize, Oscar, Grammy, Emmy, Olympic gold medal, etc.) automatically qualify for EB-1.1 status. Others qualify based on meeting a minimum of three of the 10 criteria. These include such things as high remuneration, lesser national or international prizes or awards, membership in related associations that require outstanding achievement, and published material about the applicant.

## CHALLENGES

Less high-profile individuals, however, may find it difficult to translate the impact of their achievements into a context that U.S. immigration officials will readily recognize as representing extraordinary ability. This is especially true in hard-to-quantify fields such as computer technology, fashion design, entrepreneurship and real estate development.

In fact, individuals from all walks of life, including educators, business people, artists, computer programmers and many, many more have been granted this invitation. The key lies in an effective EB-1.1 presentation, a skill that eludes most general immigration lawyers.

## BRATTER KRIEGER: FOCUSED EXPERIENCE

Bratter Krieger LLP, the nation's leading practitioner in Extraordinary Ability visas, has developed a proven methodology that translates the cultural, social and normative significance of its clients into cases that are readily identifiable and accessible to a U.S. Immigration officer. Without this revelatory translation, an applicant's body of work and national acclaim may seem unclear or unremarkable; with it, the immigration officer can weigh the evidence in the proper context.

## A PROVEN APPROACH

Documentation is key to a successful EB-1 application. Following a preliminary consultation, an 18 to 25-page legal argument supporting the applicant's qualifications is prepared. To this, the legal team adds supporting documentation that can run to more than 300 pages. It takes an intimate understanding of the presentation procedure to bring the applicant's qualifications to life and present them for maximum impact.

## WHAT TO EXPECT

Most Extraordinary Ability visa applications take less than a month to prepare. Immigration typically adjudicates them within six months. Even if Immigration denies an EB-1 application, it does so without prejudice; applicants may reapply for another Immigration review immediately.

**To learn more** about the Extraordinary Ability visa, please contact Bratter Krieger LLP at **(305) 674-8472** or via email at **info@bklawgroup.com**