

Guidelines for choosing recommenders

Brief introduction: What follows is comprehensive guidance that we take into consideration in selecting recommenders for I-140 and I-129 petitions. It is important to note that the USCIS does not impose any strict mandates regarding acceptable recommenders. However, we have developed our recommender selection guidance in accordance with our own observations of USCIS adjudication trends. Our selection guidance is not ironclad, meaning that **we are willing to be adaptable and work around any of your preferences if applicable.**

1. The number of letters we recommend submitting varies by case. **For NIW cases, we generally advise submitting only 2 letters of recommendation*** (which we draft in conjunction with the NIW petition letter). For EB1A, EB1B, and O1 cases, we usually submit 4 letters of recommendation. Although the contract does stipulate that we can prepare up to 6 letters, **we rarely find that submitting more than 4 letters for EB1A/B and O1A cases or 2 letters for NIW cases is necessary;** in fact, submitting too many letters can distract from other important—and objective—evidence, such as your citations and publications, thereby weakening your case.

2. The letters of recommendation serve two purposes: to provide a position of authority to describe your actual research and to help support the other evidence for your case**. As such, we believe the best practice is to provide letters from experienced professionals in the field who will be familiar with the type of work you do and capable of providing informed perspectives about its merit. It is important to note, however, that the level of expertise in the field is less important when determining whether an individual will make a suitable recommender. **In other words, we do not suggest selecting recommenders based solely on their qualifications as a way to add extra weight to your case.** In general, a lesser-established researcher*** who has cited or utilized your work in their own and who is willing to sign a strong letter is a much better recommender than a big name in the field who only wishes to endorse a basic overview of your qualifications. In short, the content of the letter and the ability of the recommender to directly attest to the utility of your work are more important than the recommender's overall reputation.

3. There are two types of recommenders or references: “**dependent**” and “**independent.**” A dependent recommender is anyone who has ever worked with you (as a coworker, supervisor, mentor, advisor, or even just a colleague in the same institution) or who shares some professional or personal affiliation (such as attending the same university at the same time as you). An independent recommender is someone who has never worked with you, either directly or through joint overlap at a similar institution/organization (for instance, if you and a potential recommender both attended the same university at the same time, they would likely be

considered dependent even if you never directly worked together). Several examples of both types of recommenders can be found below. If you aren't certain if a particular individual would be considered dependent or independent, please provide as much information about them as you can and ask us.

4. Dependent references are helpful for showcasing aspects of your research that would not be publicly known as well as describing your various accomplishments and your research. The best dependent references are usually people who have worked directly with you, such as coauthors, mentors, or supervisors. It should be noted that the USCIS generally considers dependent advisory opinions to be less convincing than independent advisory opinions, so we usually do not provide more than 1 or 2 dependent references for each case.

5. Independent references help us show that your work is widely known, even outside your immediate geographical area and beyond your circle of collaborators. The best independent references are usually people who have no connection with you but know of your work because they have used it themselves, either through citation of your articles or some other instance of implementation. **However, it is important to note that while finding independent recommenders who have cited or used your work is ideal, proceeding with recommenders who have merely read your papers or gained familiarity with your work through common collaborators is perfectly acceptable.** We have found that in cases where enlisting independent recommenders proves to be difficult, asking a current or former collaborator to help put you in touch with potential independent recommenders is an oftentimes viable strategy.

6. According to a memo from the Office of Government Ethics (see [here](#)), federal employees may sign immigration support letters. With this in mind, if there is a federal employee who is capable of personally attesting to the value of your research because, for example, they have used your research in their own work, you may include them in your List of Recommenders. Please be aware, however, that while the letter may include the federal employee's title and position as one of several biographical details, it is possible that they may not be allowed to sign the letter using their official title or agency letterhead (see [here](#)). Please also be aware that some federal employees are not allowed to sign letters under any circumstances. Therefore, while we are more than happy to evaluate federal employees as prospective recommenders, it is important to note that some employees may be subject to contingencies that restrict them from signing a letter.

7. Geographical variance is also a good factor to consider. While the nationality of a recommender has no bearing on their suitability to help support your case, it can be helpful to show that your work has had a widespread impact on researchers working at institutions from all over the world. Therefore, if possible, your list of potential recommenders should include people working in different parts of the United States (i.e., in different states) and in other countries.****

8. If you will be filing an EB1A, EB1B, or O1 case, you should provide us a detailed list of no more than 3 possible dependent recommenders and no more than 6 possible independent recommenders. If you will be filing an NIW, a list that contains 1-2 dependent recommenders and 2-3 independent recommenders should be fine. We need detailed information about each recommender in order to determine who will be the best recommenders for your case and to verify whether a particular candidate would be dependent or independent. Moreover, we request a list that contains a greater number of candidates than we plan to use to help streamline the selection process; in the event a proposed recommender declines to lend their support, we can quickly consult the list of recommenders to propose a replacement. There is a template in the client packet to help you make sure you give us all the information we need in the client packet. The template can be found in Appendix B of all client packets ("Recommender List Template"). Please use this template to provide your list of potential recommenders.

Important notes

*For NIW cases, we typically suggest submitting 1 letter from a dependent recommender and 1 letter from an independent recommender. However, this is not a strict requirement, and proceeding with 2 letters from dependent recommenders should be perfectly fine.

**Recommendation letters cannot be used as objective documentary evidence for your case. For instance, we cannot use a recommendation letter as evidence that you have amassed a certain number of citations; for this, we should submit a printout of your Google Scholar profile.

***Although we advise against selecting recommenders based solely on their elevated qualifications, we also suggest avoiding candidates who are currently students please note that having an advanced degree is not a prerequisite for a prospective recommender; a holder of a bachelor's degree or less can be a capable recommender if they are otherwise relatively well-established in their field and not currently pursuing a degree.

****We generally recommend submitting at least one letter from a US-based recommender for NIW cases to help showcase the national importance of your work. For EB1A and EB1B cases, we suggest having at least one international recommender to help showcase the international recognition of your expertise. **However, please note that submitting letters from US-based recommenders for NIW cases and international recommenders for EB1A/B cases is not compulsory; we can prepare a strong, compelling case regardless of your recommenders' geographical makeup.**

Example recommenders

- Your Ph.D. or master's advisor – Dependent; they have worked directly with you at the same institution.

- A coauthor of several of your papers – Dependent; they have worked with you and are considered a collaborator.
- A researcher who works in an institution in another country. You have never met her, but she contributed some data to one of your projects and was listed as a coauthor on a conference presentation – Dependent; anyone who is listed as a coauthor on any of your publications, conference abstracts, patents, etc. will be considered a collaborator and dependent.
- A researcher who works for the same company/university you do, but in a different department – Dependent. They work for the same institution.
- A researcher who had a visiting professorship at your current university, but now works elsewhere – Dependent if there is any overlap between her time at the university and yours. Otherwise, she may be considered independent.
- A researcher who works and practices research in another country. You do not know them, but they earned one of their degrees at a university you used to attend – Independent as long as they did not attend the university at the same time you did.
- A researcher in the same field you met at a conference. They have never published with you and have never worked or studied at the same institution – Independent; they have no connection with you other than one brief meeting.
- An assistant professor who works for a university you have never worked or studied in. The professor has cited your work, but otherwise you don't know him at all – Independent; you share no affiliation, but he still has some familiarity with your work.

For Clients Who Work in Industry or Do Not Have Published Research

- If your research is primarily completed for a single company and is not publically published due to confidentiality agreements, we may need to use additional dependent recommenders.
- In this case, the emphasis should still be on individuals (other researchers, clients, contractors, etc.) who have **actually used your work in some way.**

Example Recommenders:

-The project manager of an external company that hired your company to do consulting work/research

-A client who used the research you completed for your company for a major project or as part of a product line



-A former employee of your current company who is familiar with your research and its importance

For Non-Scientist Clients (Economists, Artists, Musicians, Journalists, etc.)

- If you are not a scientist, the selection of recommenders may be very different. In this case, we will focus a little less on obtaining independent references and more on finding individuals who can discuss each important aspect of your case to prove that you meet the requirements for your petition.
- In these cases, the best recommenders are generally any individuals who know of your work (judged an exhibition of your work, delivered a lecture based on your work, attended one of your concerts, teach a class that incorporates some of your work, etc.) and who can speak from a position of authority on the topic. Recommenders should also be able to verify what makes you unique among others in your field.
- Because these are often unique cases, we will work with you to come up with a list of recommenders who are varied and will be able to adequately discuss the entirety of your career.

Example Recommenders:

- A reporter who wrote a detailed article regarding your exhibit or concert ▪ A judge of a major competition in the field
- Another musician or artist who knows of your work (attended your exhibition/concert, etc.)
- A business manager who has directly benefited from applying your work in some way