

## **DOCUMENT LIST: EB-2 NIW**

- For each of the documents listed, please scan them as PDF files (When scanning the documents, we strongly recommend you use a high-quality scanner rather than your mobile phone to avoid blurring and convert your documents to high-resolution print-ready images.) or provide us electronic/PDF files directly. Then, please highlight your name where appropriate with Adobe Acrobat or Adobe Reader DC.
- If you will be filing additional petitions (e.g., EB-1A, EB-1B, O-1), you will need to supply us with a separate set of PDFs of documents for each petition you will be filing.
- Some of the documents listed below, particularly those in the “Exhibits” list, may not apply to you. It may not be necessary for your case to have each of the types of evidence listed.
- Once your petition letter has been finalized, we will send a follow-up message asking for a .zip file with all the supporting documents that are listed in the index of exhibits to assemble your package.
- Once we have received your evidence for the exhibits, we will conduct reviews of these supporting documents and confirm with you on whether there are files missing.
- Once your package is complete with sufficient evidence on our online platform, we will print out all the documents for you from the platform and mail your physical package to the USCIS by FedEx 2-day shipping. Our e-filing process will save you time and shipping/printing fees.
- If you have already mailed out the evidence, we will review them after we receive the package. But if you haven't, please do not mail the package to our office.



## **DOCUMENTS**

You will need to upload the following to our system:

1. The supporting materials listed in the **Exhibit Index of your petition letter**  
(Please see the next page for further instructions).
2. The Form I-140, Form G-28, and Form ETA-750B or ETA-9089 signature pages with your original signatures. If you have not received the I140 NIW signature pages zip file, please leave a message in your account.

**Filing fee** in the amount of \$700 and **remaining attorney fee**, if applicable. If you wish to request Premium Processing, the premium processing fee is in the amount of \$2,500.

Instead of mailing checks, please make your payments online using BOA, Chase QuickPay, Zelle, wire transfer, Stripe, or PayPal, etc. Please ensure to include your order ID in the memo/notes section if possible, and after the payment is complete, please upload a receipt to the "Additional Documents" section of your account for our verification purposes. After we receive your payment, we will issue a filing fee check and a premium processing fee check if applicable to U.S. Department of Homeland Security on your behalf and include it in your petition package. Please note, we will not begin assembling your I-140 package until the filing fee and remaining attorney fee, if any, are/is received.

## EXHIBITS

All documents listed here should be provided as PDF files. The documents can be in either black and white or colored as long as the documents are fully legible.

1. Signed and dated recommendation letters, along with the **first three pages** of each recommenders' CV or biographical information.
2. Your curriculum vitae
3. Copy of your advanced degree diplomas or certificates. If issued originally in a language other than English, please provide both the non-English version and the English translation of your diplomas and/or certificates. If you perform the translation yourself, please note that it will need to be accompanied by a translation certification stating that the translation is accurate to the best of your knowledge. We can provide a template for this certification for you.
  - a. Please note that scanned copies of your diplomas and/or transcripts should be sufficient, so long as they are legible and do not cut off portions of the original.
4. An official academic record for your advanced degree.
  - a. Official transcripts will usually suffice as long as they show the degree that you earned, dates of attendance, area of concentration of study, and the date you received the degree. **As above, please be sure to provide both the original and English versions of your transcripts if they were originally issued in a language other than English, as well as a certification if you performed the translation yourself.**
  - b. If your university does not use transcripts, you will need to get some other form of official academic record, such as a letter from the registrar. The letter should include the degree that you earned, dates of attendance, area of concentration of study, and the date you received the degree.
  - c. If your transcripts arrive in a sealed envelope, you can open it.
  - d. If you have a foreign MD degree, you may need a copy of your USMLE steps 1-3, ECFMG certification and a license to practice in the area of intended employment.

If you have a foreign MD degree but currently do not have a full and unrestricted license to practice, please carefully read the "READ FIRST: NIW Clients with Foreign MD Degree, Without a Full And Unrestricted License to

Practice in the State of Intended Employment, Whose Proposed Endeavor Includes Clinical Work" under the Visa FAQ tab for more information.

5. If your advanced degree was obtained outside of the United States, you will need an evaluation of your educational equivalency. This "degree evaluation" will prove to the USCIS that your advanced degree is the equivalent of an advanced degree earned in the United States. This is a separate document from your transcripts. You can obtain such a degree evaluation from any of the members listed at NACES.org.
  - a. If your degree evaluation arrives in a sealed envelope, you can open it.
  - b. Please note that you may receive a degree evaluation that fails to confirm that your degree is equivalent to an advanced degree earned in the United States. Although this is rare, if it ends up being the case then you may need to obtain a new degree evaluation from a different company. Please note that we have no control over the content of the independent evaluations offered by the members of NACES.org.
  - c. If you hold a professional medical degree (M.D., M.B.B.S., etc.) earned from outside the United States and will be engaged in treating patients in the United States, you will need to provide evidence that you passed all 3 steps of the USMLE, have passed the English language proficiency test given by ECFMG, and are licensed to work in your area of intended employment.
6. All publications and patents
  - a. For articles, please provide the **first 3 pages** and highlight your name in the author list. **The name of the journal/conference and year should be clearly visible somewhere on these pages.** If it is not, then please provide a copy of a webpage from the website of the journal/conference in question showing the title of your article and confirming when and where it was published. If the title, list of authors, paper content, and publication information for any of your articles is not in English, then you will need to translate this information on a separate sheet, along with a certification of the translation. Please only include direct translations, meaning that there should be no additional titles, summaries, numbers, or explanations that are not present in the original text.

- b. For books and book chapters, please provide copies of the cover, title page, table of contents, copyright pages(©), and first 3 pages of the book (if you wrote the entire book, it usually starts from the Introduction) or relevant chapter(s) (if you wrote chapters only). **Please make sure that the name of the publisher and the year of publication are clearly displayed somewhere on these pages.** If any of the above pages and/or the publisher's name and year of publication are not in English, then you will need to translate these pages on separate sheets and provide a certification of the translation. As mentioned above, you should only include direct translations, and do not include additional titles, summaries, numbers, or explanations that are not present in the original text.
  - c. If any of your publications are listed as "articles" in your petition letter but only appeared in abstract or poster form, please let us know as soon as possible.
7. Citation report for your publications
- a. It is preferable for you to create a Google Scholar profile and print it to PDF. If your Google Scholar citation count increases and your citation count needs to be updated, we will print out any new versions of your Google Scholar profile.
  - b. Alternatively, a complete citation report from ISI Web of Science or SCOPUS is acceptable. However, it must be printed directly from the website, not copy and pasted into a separate document.
  - c. For Chinese clients, you may also provide a CNKI citations report (if applicable). Please be sure to translate this page and provide a translation certification. Note that a direct translation should be sufficient and you do not need to include additional titles, summaries, numbers, or explanations that are not present in the original text.
  - d. Please note that if you would like to claim additional citations listed on CNKI (or any other citation database), you will need to provide the following additional pages for each article for which you would like to claim citations on both CNKI and Google Scholar:
    - i. A full list of articles that cited your work from on Google Scholar. The titles, list of authors, and publication information must be translated for any citations that do not appear in English. Please keep in mind that the translation should be a direct translation of the



original text and you do not need to include additional titles, summaries, numbers, or explanations.

- ii. A full list of articles that cited your work from on CNKI. As above, the titles, list of authors, and publication information must be translated for any citations that do not appear in English. Please then highlight all unique citations that you are claiming appear on CNKI that are not tracked on Google Scholar.
  - iii. (Optional): A chart or table clarifying where the citations to your work are listed. If you choose to provide such a table, it must match the evidence from Google Scholar and CNKI exactly.
8. If we have discussed individual citations of your work in-depth in your petition letter, please include the first page, any pages where your work is cited or discussed, as well as the pages from the references section listing your publication(s). Please also highlight any portions of these articles that cite your work along with any corresponding entries in the references section that list your work. If any of the above pages and/or the publisher's name and year of publication are not in English, then you will need to translate these pages on separate sheets and provide a certification of the translation. You should only include direct translations, and do not include additional titles, summaries, numbers, or explanations that are not present in the original text.
  - a. If possible, please only provide published articles. If any of the citations to your work that are discussed in-depth in your petition letter come from dissertations, theses, or posters instead of peer-reviewed articles, please let us know so that we can remove or replace this citation.
  - b. If you are only able to access an accepted or in-press manuscript for one of the publications that cited your work, it should be fine to use this version along with the published abstract for the article so that we can clearly show that this article has been published in a peer-reviewed journal.
  - c. Please note that you do not need to provide these articles for all of your

citations. You only need to provide this information for those citations that we call special attention to in your petition letter and which are specifically listed in the exhibit title.

9. If you have performed peer review work or similar service, please provide thank-you emails from associate editors confirming your review work or other evidence that you actually completed this work. This evidence should show your name and should confirm that the journal's editorial staff received and acknowledged your completion of each review.
  - a. Alternatively, if you do not have access to emails, then a printout of your "reviews completed" page from the website of a journal or conference should work, provided that it clearly shows your name and demonstrates that the reviews have been completed and submitted.
  - b. Please let us know if you are submitting duplicate evidence of reviews (i.e., if you are providing a website printout showing that you have completed reviews as well as emails thanking you for completing those same reviews).
  - c. Please note that we can count reviews of revised manuscripts as separate reviews. However, the evidence must clearly demonstrate that two versions of the same manuscript were reviewed on two separate occasions.
  - d. Please note that USCIS no longer accepts Publons profiles by themselves as evidence of completed reviews.
10. Copies of any major awards or honors received, and the selection criteria for the awards. Please provide information regarding the number of awards given, the frequency of the award, the criteria for granting the award, and the number of individuals eligible to compete.
11. Copy of evidence of membership in any highly selective professional associations. Please include documentation of the selection criteria for these memberships.
12. Copies of media or news reports about you or your work, with your name and/or any references to your article(s) highlighted. Please note that if there is no direct connection to you or your work made in this article, then a testimonial may be needed or the media coverage should be removed.
13. Evidence of government or other prestigious and/or competitive funding of your research projects. This can come in the form of grant notifications/certifications that



list you as a recipient or that list your articles among those that resulted from the funding.

Other acceptable evidence may include acknowledgments of the funding in your published articles or signed testimonials from the supervisor/s of the funded research projects.

14. If you have presented your work at academic conferences, a conference program or schedule that plainly lists you as a participant. Alternatively, you may provide a testimonial from a conference or session chair confirming that you have presented your work.

Proprietary  
Confidential  
Document





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## **FORM I-140 INSTRUCTIONS**

Form I-140 – see <https://www.uscis.gov/sites/default/files/document/forms/i-140.pdf>

Below are the instructions for completing the Form I-140. However, please note that instead of filling out a blank Form I-140 on your own, you should fill out the Questionnaire tab in your client account instead and we will review the Questionnaire content and generate a PDF Form I-140 for you.

Note: You are both the petitioner (the person or organization filing the petition) and the beneficiary (the person for whom you are filing).

### **Part 1: Information About the Person or Organization Filing This Petition**

1. Complete with your name, exactly as it appears on your passport. The name we use for filing your I-140 must match name used in your I-485 application, and the name used for your I-485 is the name that will be printed on your green card. If the name on your green card is different than the one on your passport, you may encounter difficulties at the border.
2. Please leave this item blank.
3. Enter your mailing address (include the apartment number, suite number or floor, if appropriate). If you enter a United States address, you will not need to provide a Postal Code or Province.
4. Please leave this item blank
5. Enter your U.S. Social Security Number (if any)
6. Enter your USCIS Online Account Number (if any)

### **Part 2: Petition Type**

1. Place an “X” next to 1.h.
2. Leave blank, unless this petition is being filed to amend a previously filed petition

### **Part 3: Information About the Person for Whom You Are Filing**

1. This information will be the same as in Part 1
2. This information will be the same as in Part 1
3. Enter your date of birth
4. Enter your City/Town/Village of Birth
5. Enter your State or Province of Birth



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6. Enter your Country of Birth
7. Enter your Country of Citizenship or Nationality
8. Enter your Alien Registration Number (you may have an Alien Registration Number if you have applied for an EAD or have a previously adjudicated I-140). If you do not have an Alien Registration Number, please leave this item blank.
9. Enter your U.S. Social Security Number (if any)
10. Enter the date of your most recent entry into the United States
11. a. Enter your I-94 Number. This should be an 11-digit number. CBP now maintains electronic I-94 records. If you do not have the I-94 number, please go to the following website to retrieve the I-94 number - <https://i94.cbp.dhs.gov/I94/#/recent-search>  
b. Enter the Admit Until Date shown on Form I-94.  
c. Enter the Class of Admission shown on Form I-94.
12. Enter the passport number of the passport that you used when you last entered the US.
13. Enter your travel document number, if any.
14. Enter the country which issued your passport
15. Enter the expiration date for your passport

#### **Part 4: Processing Information**

If you are in the United States and will file an I-485 for adjustment status once approved, select 2.a. If you will not be in the United States at the time of approval but know where you will be, select 1.a. and enter the city/town and country where you will be doing Immigrant Visa processing in 1.b. and 1.c. If you are not sure whether you will file an I-485 or do Immigrant Visa processing, you can check 1.a. If you check 1.a. and later need to file an I-485 instead, you can simply do so. It is more difficult to change to Immigrant Visa processing if you indicate here that you will be filing an I-485. If you checked 2.a., enter your last country of permanent residence in 2.b.

3. Enter your foreign address
4. Enter your name written **in your native alphabet** *if* your native alphabet is not written with the Roman/Latin alphabet. For example, languages such German, Spanish, and English are written with the Roman/Latin alphabet. Languages such as Chinese, Russian, and Nepali are not written with the Roman/Latin alphabet. If India is your native country, you do **not** need to provide your name in your native language, as English is an official language of India.



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5. Enter your foreign address written **in your native alphabet** if your native alphabet is not written with the Roman/Latin alphabet.
6. If you are submitting other petitions at the same time as the I-140, check “Yes” and then place an “X” next to the forms you are submitting. If you are not submitting petitions other than the I-140 at this time, check “No” and go to question 7.
7. "Removal proceedings" refer to the process of deportation. If you are not in the process of being deported, then you may answer "No".
8. Answer “No” unless an immigrant visa petition has previously been filed on your behalf, i.e. I-140, I-485, or I-130. If an immigrant visa petition has previously been filed on your behalf, please provide the case number, office location, date of decision, and disposition of the decision in Part 11.
9. Answer “No”
10. Answer “No”

#### **Part 5: Additional Information About the Petitioner**

1. Select 1.b.
2. Please leave these items blank
3. Please leave these items blank
4. Please leave these items blank
5. Please leave these items blank
6. Please leave these items blank
7. Please leave these items blank
8. Please leave these items blank
9. Please leave these items blank
10. Please leave these items blank
11. Enter your occupation.
12. Enter your annual income.

#### **Part 6: Basic Information About the Proposed Employment**

1. Enter your job title
2. Enter your SOC Code. You can search for the SOC Code for your job title at the following link: [https://www.bls.gov/soc/2018/major\\_groups.htm](https://www.bls.gov/soc/2018/major_groups.htm). If you cannot find an SOC Code that exactly matches the job title, please find the one that is the closest. Please note that the SOC Code that you provide will be what the USCIS will use to determine whether or not you have continued to work in your field of expertise at the I-485 or Immigrant Visa processing stage.
3. Write a brief description of the duties performed in your job
4. Indicate whether it is full-time; if “No,” complete 5. If “Yes,” go to 6.



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5. Only answer if the job is **not** a full-time position (less than 35 hours per week). If it is not, then enter the number of hours per week worked.
6. Select "Yes" if the job has no fixed termination date. Otherwise, select "No."
7. Indicate if this is a new position (hired less than 6 months ago)
8. Enter your wage and specify if the wage is per hour, week, month, or year
9. Enter the address of your worksite location.

### **Part 7: Information on Spouse and All Children of the Person for Whom You Are Filing**

Please include information about your spouse and **all children under the age of 21**, not only children born outside of the US. If you have no dependents, leave this part blank.

If the person listed will be filing an I-485 for adjustment of status, please answer "yes" to the question "Applying for Adjustment of Status?" and "no" to the question "Applying for a Visa Abroad?" If the person listed will apply at a U.S. Department of State consulate abroad for an immigrant visa in order to come to the United States and be admitted as a permanent resident, please answer "no" to the question "Applying for Adjustment of Status?" and "yes" to the question "Applying for a Visa Abroad?"

### **Part 8: Signature of Petitioner**

Please select either item 1.a. or 1.b. If you select 1.b., please fill out Part 9. with the interpreter's information, and have your interpreter sign and date in Part 9, items 7.a.-7.b. You do not need to complete items 3.a.-7.

Please hand-sign and date in items 8.a.-8.b. and upload the I-140 for our review.

After we have reviewed it, please mail the signed and dated form to: North America Immigration Law Group, 2723 South State Street, STE 150, Ann Arbor, Michigan 48104.

### **Part 9: Interpreter's information**

Please only fill this section if you check part 8, item 1.b. Otherwise, please leave it blank.

### **Part 11: Additional Information:**

Please leave this part blank unless you require additional space within the petition to fill out the information. If you fill out this form, please write your name and alien registration number (if any) at the top right side of the page, above the black line. Please also sign and date on the page.

## **Guidelines for choosing recommenders**

**Brief introduction:** What follows is comprehensive guidance regarding the factors that we consider when identifying suitable 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.** For all filing types (NIW, EB1A, EB1B, and O1), we recommend submitting no more than 4 letters\* (which we will draft in conjunction with the petition letter), and in some cases, we may even suggest submitting fewer letters. We rarely find that submitting more than 4 letters for any filing type 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 an authoritative perspective on the value and significance of your 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 are familiar with the type of work you do and capable of providing informed perspectives about its merit. It is important to note that the recommender's reputation or level of expertise in the field should not be the guiding consideration when determining whether they 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 research 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 with you (such as attending the same university at the same time as you attended). 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 for 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 letters of recommendation to be less convincing than independent letters of recommendation, so we usually suggest not providing more than 1 or 2 dependent references for each case.

**5.** Independent references help 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, 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 often a viable strategy.

**6.** According to a memo from the Office of Government Ethics, 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 – 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. 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 policies that restrict them from signing a letter. Ultimately, it is the recommender’s responsibility to determine whether or not they can sign such a letter or use letterhead.

**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.** For all case filings, please use the “Recommenders” tab to provide us with a detailed list of no more than 3 possible dependent recommenders and no more than 6 possible independent recommenders. Providing us with detailed information about each recommender is crucial to our ability to determine the most suitable 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 because it helps streamline the selection process; that is, if a proposed recommender declines to lend their support, we can quickly consult the list of recommenders to propose a replacement. For your LoR (List of Recommenders), please pay careful attention to the documents in Appendix B of the client packet, including the template, as this template includes all the information that we need to draft letters for your recommenders. However, rather than updating this template directly, please instead refer to and fill in the “Recommenders” tab found in the menu on the left-hand side of your profile page. Please do not prepare the LoR as a Word files or PDF or as any other type of

formatted file. Instead, please be sure to complete the Recommenders tab and to provide all requested information in that tab. Please note that the Word document example of the LoR that is included in Appendix B of the client packet is intended only to serve as a clear visual representation for your reference, and our providing an example in this format does not mean that we expect you to provide your LoR as a Word document. We prefer that clients use the Recommender tab as opposed to any other format, as the tab is easier to edit if it becomes necessary to add or remove recommenders or to modify any of their provided information, and it also helps ensure that updates to your Recommenders are not overlooked by us during your case preparation. In short, in Appendix B, we have continued to provide the Word document example of an LoR just to give you some added guidance as you complete your Recommenders tab.

### **Important notes**

\*For all case types, we typically suggest submitting 1 letter from a dependent recommender and 3 letters from independent recommenders. 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 evidence of your citation record, we submit a printout of your Google Scholar profile. The main purpose of the recommendation letters is to provide experts with an opportunity to speak to the value and significance of your research and achievements.

\*\*\*Although we advise against selecting recommenders based solely on their elevated qualifications, we also suggest avoiding candidates who are currently students or postdocs. However, please note that having an advanced degree is not a prerequisite for a prospective recommender; a recommender who lacks an advanced degree can be a suitable recommender if they are otherwise relatively well-established in their field and not currently working in a student or postdoc capacity.

\*\*\*\* For NIW cases, we generally recommend that half of the letters submitted with your petition be from US-based recommenders to help showcase the national importance of your work.. For EB1A and EB1B cases, we suggest that half of the letters submitted with your petition be from international recommenders 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 that you attended.
- A researcher in the same field who 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 where you have never worked or studied. 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 publicly 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 than described above. 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, taught 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

Proprietary  
Confidential  
Documents



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## **EB-2 National Interest Waiver**

Thank you for choosing North America Immigration Law Group! We at NAmILG are dedicated to providing you with a petition that is tailored specifically to your case. We do not use form letters for drafting your materials, but rather prefer to gather all pertinent information regarding your case from the beginning in order to properly develop customized strategies for petition approval and a personalized approach for the necessary documentation. Therefore, we request that you take the time to fill out your Summary of Contributions tab carefully and completely to ensure that the rest of the process runs smoothly and in a timely fashion. Likewise, we also request that you upload the following to our secure server system to prevent any delays in the compilation process:

- The most up-to-date version of your professional resume or curriculum vitae
- A copy of your Google Scholar citation record (you can also just give us a link to it if your account is public)

After reviewing your Summary of Contributions, we may also ask you to upload other documentary evidence for our review, such as copies of documents that show how others have implemented your work, documentation of any prestigious awards or funding you have received, etc.

If at any time you become confused or have any questions or concerns, please feel free to contact our team using the messaging function on our secure server system. We are happy to help guide you through the process. Thank you again for choosing NAmILG!

Given that you are the one that understands your professional endeavors best, we again ask that you please provide as much information as possible in your Summary of Contributions so that we may develop an optimal, customized strategy for you. The information you provide does not need to be “polished” or even in complete sentences. We simply request that you provide detailed and specific answers to each section where applicable. The Summary of Contributions will be *solely* used to draft the pertinent letters and gather supporting documentation – necessary for petition package completion – and this informational packet **will not be submitted to the USCIS**. For this reason, it’s important to make sure that you have documentary evidence to back





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up all of your major contributions and recognition you have received, as the Summary of Contributions itself will not be submitted with your petition.

As a guideline for the information that you will provide below, it is important to remember that as a foreign national seeking a National Interest Waiver in the second-preference employment-based immigrant category, you must pass the three-prong test derived from *Matter of Dhanasar*. We have summarized the three prongs below to help you determine what information is needed for your case.

*1. The waiver applicant's proposed endeavor must have both substantial merit and national importance.*

- a. This prong has two parts: “substantial merit” and “national importance.”
- b. To prove that what you do/plan to do has “substantial merit,” we’ll want to demonstrate that work in your particular field in general is inherently valuable to the United States in some way, such as benefiting the economy, cultural or welfare interests, educational goals, healthcare, or similar sectors.
- c. To prove that your work has “national importance,” we’ll need to demonstrate that your contributions and skills in particular benefit the United States. It’s important that we be able to show that your “proposed endeavor” benefits the United States beyond just helping your employer. For instance, a physician or attorney whose work is very localized by nature may have difficulty proving that they qualify under this part of the three-prong test, but a researcher publishing widely-cited papers about their research findings will likely have an easier time.

*2. The waiver applicant must demonstrate that they are well positioned to advance the proposed endeavor*

- a. In your petition, we will show that you meet this prong by describing how your past achievements in the field position you to be able to continue contributing to your chosen area of endeavor in a meaningful way.
- b. We can document how you are well-positioned to advance your proposed endeavor by discussing your publication and citation record (if applicable), specific instances of how your work has impacted the work of others in your field, and other specific recognition you have achieved, such as major awards, media coverage, review service, funding, etc.

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*3. The waiver applicant must demonstrate that it would be beneficial to the United States to waive the job offer and labor certification requirement.*

a. For this prong, we need to demonstrate that allowing you to work in the United States would be especially beneficial to the United States. This is closely related to the first two prongs, as proving that your work is nationally important and that you are well-positioned to be able to continue contributing to this area will inherently demonstrate some benefit to the United States.

b. We can show you meet this prong by stressing how any achievements you have made and/or recognition you have received demonstrate that your particular skillset and your record of influence and success have and will continue to directly benefit the interests of the United States.

Now that you understand the basic requirements for the EB-2 NIW classification, you should refer to the “Summary of Contributions Template –NIW” located in Appendix A and fill in the corresponding sections in the “SoC” tab in the menu on the left-hand side of your profile page. The questions in that document will guide you through the key information that you need to provide us, and it is essential that you answer every question honestly and entirely to the best of your ability. You should also add additional numbers for each section as appropriate. For instance, if you have won three awards, you should include the information for each one of them. There are also sample Summaries of Contributions that can help guide you as to the level of detail we are looking for. Once you complete a first draft of your Summary of Contributions, we will be able to let you know if we need additional information from you. Thank you!

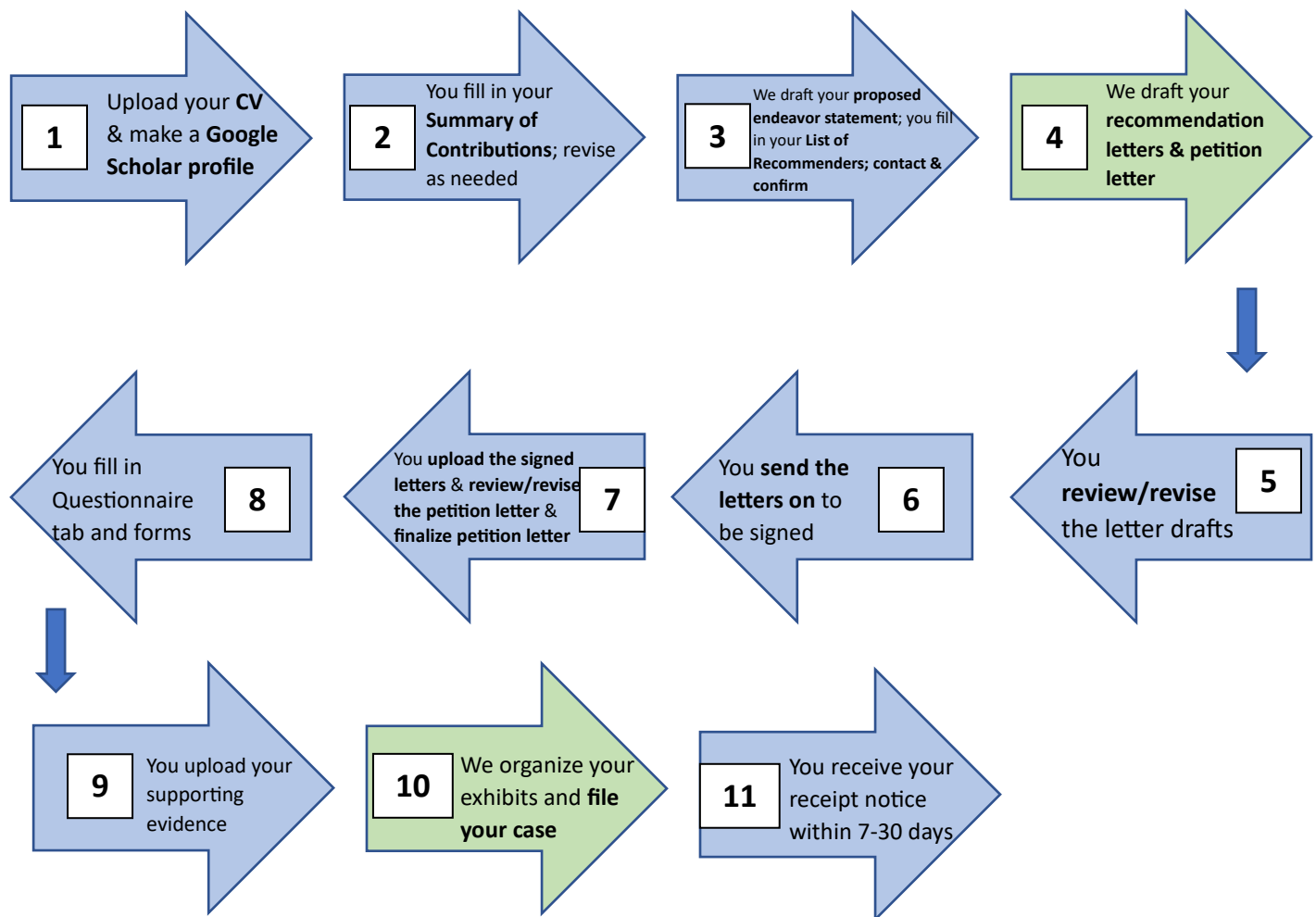


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## **STEPS FOR NIW CASE PREPARATION**

Thank you for choosing North American Immigration Law Group. We are dedicated to providing you with a petition package that is tailored specifically to your case. We do not use template letters for drafting your materials, but rather prefer to gather all pertinent information regarding your case from the beginning in order to properly develop customized strategies for petition approval and a personalized approach for your petition filing. Therefore, we request that you take the time to read and fill out this packet carefully and completely to ensure that the rest of the process runs smoothly and in a timely fashion.



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1. Upload your most up-to-date CV to the system. Also, if you have not done so already, please make a Google Scholar profile for a citation record and let us know the link to your profile. We find that this is the best form of citation record to submit to the USCIS. You can make your own at this link:  
[http://scholar.google.com/citations?view\\_op=new\\_profile&hl=en](http://scholar.google.com/citations?view_op=new_profile&hl=en)

**Please make sure to leave a message in the “Messages” portion of the system whenever you upload a document, so that we are aware that you have uploaded new documents. Failing to leave a message in the appropriate section of the system may lead to delays in our response, as we will only be notified of your document if you leave a message in the “Messages” portion of the system.**

2. Prepare your Summary of Contributions using the “SoC” tab in the system. **Appendix A** of your client packet also contains a Word document version of the template, but for ease and consistency of access, **we ask that you complete your Summary of Contributions directly in the “SoC” tab of the system.** We have provided a Summary of Contributions example in Appendix A of the client packet to assist you in this process, but every client’s Summary of Contributions will be unique. The example is provided to give you an idea as to how detailed you need to be and what type of information is helpful for each section.

The most important part of the Summary of Contributions is to include your 3-4 most significant contributions (each contribution should be an area of research and can comprise several papers, patents, etc.). For each contribution, please provide approximately 2-3 paragraphs of technical summary, approximately 2-3 paragraphs of plain language summary, 1+ paragraph explaining the significance of the contribution, and 1+ paragraph describing how the contribution is influential and has been implemented by others, providing specific examples.

When filling out the Summary of Contributions in the “SoC” tab, you can save your progress as you go. **Once you have completed the tab and are ready for us to review it and provide feedback, please use the “Messages” portion of the system to let us know.** Please note that it is very likely that we will ask you to revise the Summary of Contributions to provide additional clarity or more information to make your case stronger.



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3. Once we have confirmed your Summary of Contributions as finalized, **we will begin drafting a proposed endeavor statement to be used in your case.** We will provide this draft for your review within 1-3 business days, at which point we will ask you to review it, provide any additional information as needed, and then sign the finalized copy. **While we prepare this proposed endeavor statement, you should begin preparing your List of Recommenders.**

A Word document version of the List of Recommenders template is included in **Appendix B** of the client packet for your reference, but **we again ask that you provide your list by filling out the “Recommenders” tab in the system.** It is helpful for us to be able to select the best recommenders for your case from a slightly broader range of candidates. Therefore, we ask that you include ~2 dependent recommender options and ~4-5 independent recommender options on your list. In order for us to review your list of potential recommenders, we will need the following information for each recommender: Their name and current position and employer, a CV or link to their website/online profile, a description of how they know you/your work, and what contribution(s) from your Summary of Contributions they can talk about in their letter.

After we have selected the best recommenders for your case, please contact them to confirm that they are willing to sign a letter for you (please note that they do not need to write the letters themselves). To assist you, we have provided a sample email in the client packet in **Appendix C.**

4. Once the recommenders have agreed to sign a letter for you and you have confirmed this with us, we will begin drafting the recommendation letters and your petition letter. **We draft your full set of recommendation letters at one time** to make sure that your accomplishments are comprehensively discussed. Additionally, after all recommendation letters are drafted, we will review them carefully to make certain the letters are well differentiated. We will check the language, formats, and tones of the letters to ensure that each letter is unique in both format and content so as to clearly distinguish each recommender to the immigration officer.
5. We will provide the first drafts of the recommendation letters and petition letter within 15 business days. After we upload the letter drafts to the system, please review them. If you have any edits to suggest for these documents, please **use the “track changes” feature**





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**of Microsoft Word to provide these edits and comments.** We will then review the changes and update the letters accordingly, to the extent possible. We will provide the revised documents within 1-3 business days. Again, if possible, we prefer to revise all of the letters together to guarantee that all necessary information is described in each letter as well as to ensure a unique, differentiated format and style for each recommendation letter that will be submitted.

6. You will be responsible for emailing the recommenders our drafts after we have finalized the letters. You can use our sample email in the client packet in **Appendix C**. You will also find examples of emails for testimonial letters, review opportunities, and editorial requests. Either hard copies or PDF printouts of the recommendation letters are acceptable by the USCIS. The letters should be printed on an official letterhead if possible, and signatures that are merely typed without further authentication should be avoided. Handwritten signatures, copied and pasted signatures, and verified digital signatures (such as those provided through Adobe Sign or DocuSign) should be acceptable.
7. As you receive each signed letter, please upload them to the system and leave messages as appropriate stating that you have uploaded them. We will then review the letters to ensure that the drafts are complete and have not been modified in any way that could be detrimental to your case. We request that you upload the signed letters as you receive them, so that we can check them for problematic content as soon as possible.

While you are awaiting our revisions of your recommendation letters and/or waiting for your recommenders to provide you with their signed copies of the letters, please also review your petition letter and **use the “track changes” feature of Microsoft Word to provide any edits and comments you may have.** We will then review your suggestions and incorporate them to the extent possible, providing the revised petition letter for your review within 1-3 business days. Once you confirm that you have no further changes to the petition letter **AND** once we have reviewed and confirmed your signed recommendation letters and your signed proposed endeavor statement, we will finalize the petition letter, which will take 1-3 business days.

8. We will paper-file your I-140 form:



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Please complete the **Questionnaire tab in your account for your Form I-140**. Once we have confirmed that your Questionnaire looks good, we will generate a PDF Form I-140 based on your Questionnaire and upload it to your account for your review and signature. Please upload the signed form (in black ink) for our review.

Please find the **Form G-28** and its instructions in **Appendix D** of the client packet. Please upload the completed, signed Form G-28 for our review.

9. You will upload your supporting materials for your petition letter to our online packaging portal, referring to the exhibit index of your petition letter and the document list in **Appendix C** of the client packet.
10. Once you have uploaded your supporting evidence, we will organize the exhibits into your final petition package, checking in with you throughout this process. The packaging process is our final quality assurance check, so **we conduct multiple thorough reviews of all of your case materials again at this stage**. Once the final petition package is confirmed, we will file the case.
11. Within 7-30 business days, you will receive a hard copy of the receipt notice, which you can use to track your case on the USCIS website:  
<https://egov.uscis.gov/cris/Dashboard/CaseStatus.do>

## **Advanced Degree Documents Instructions**

1. **Diploma** - For each degree that we are claiming as an advanced degree, we should submit a copy of your diploma. It should show
  - 1) your name;
  - 2) the name of your university;
  - 3) the degree that was awarded to you, and
  - 4) the date that it was awarded.

It should be clear that the diploma has been provided by your university. A printed scan of your diploma should be sufficient, so you should not need to mail us the original.

- a. **Common issue: University did not provide an English diploma.** If your university issued your diploma in a language other than English and did not provide you with an English version, you should contact a translation service to get your diploma translated. Alternatively, if you or a colleague is fluent in the language that your diploma was issued in, you may translate it. In that case, the person translating it should fill out and sign a translation affidavit.
  - b. **Common issue: University provides only Latin diplomas.** If your university issues diplomas only in Latin, your university may offer a translation template for diplomas online. If your university does not provide such a translation, then you may need to contact a translation service in order to obtain a translation of your diploma.
2. **Transcripts** - We should also submit a copy of the official transcripts for the advanced degree that we are claiming to meet the advanced degree requirement. Your transcript should clearly come from your university, should be official, and should be printed on or after the conferral date on your diploma. In addition, the following information should appear on your transcripts:
  - The name of the degree you received
  - Your field of study (major) for the degree
  - The date you received the degree (if not visible, the date you completed the requirements for receiving this degree should likely be sufficient)
  - Your dates of attendance (the months/years in which you began and concluded your studies should be sufficient)

- a. **Common issue: Transcripts state that they are “unofficial.”** We should not submit transcripts that state that they are unofficial, since USCIS is clear about the requirement that an official academic record be provided for each advanced degree. You should contact your university and make sure to request a copy of your official transcripts. Some transcripts also mention black and white copies are considered unofficial, so providing color copies of transcripts is preferred.
  - b. **Common issue: Transcripts were printed before the conferral date shown on your diploma.** We recommend against submitting transcripts that were printed before you received your degree. In most cases, these transcripts will not show the conferral date. If you received your transcripts during your studies, instead of afterward, they will likely not be considered sufficient since they are not complete. You should request that your university provide you with updated transcripts.
  - c. **Common issue: University does not provide transcripts for the degree you received.** If your university does not issue transcripts for your degree, there are two alternatives that can be submitted in place of official transcripts:
    - i. **A diploma supplement.** A diploma supplement should be issued by your university and should be official. It should describe the program you attended and should list the degree you received, your field of study, the date you received your degree, and your dates of enrollment in the program.
    - ii. **A letter from the registrar.** Similar to a diploma supplement or transcripts, a letter from your university's registrar can be submitted in place of official transcripts. We strongly recommend that it be printed on official letterhead and that it be signed by your university's registrar. It should show the name of your degree, your field of study, the date you received the degree, and your dates of enrollment in the program.
3. **Degree Evaluation (Degrees from outside the U.S. only)** - In order to claim a foreign degree as an advanced degree, you will need to submit a degree evaluation showing that it is equivalent to a degree earned from an accredited US institution. If you hold an advanced degree from a US institution, and are able to provide a diploma and official academic record for this degree, then you should not need to obtain a degree evaluation. If you need a degree evaluation, we recommend that you use one of the providers on [NACES.org](http://NACES.org) to get your degree evaluated. A general evaluation of your degree's equivalency should be sufficient, and it should not be necessary to obtain a

course-by-course evaluation. So long as your degree evaluation states that your degree is equivalent (some providers use the term “comparable”) to an advanced degree earned from an accredited US institution, it should be usable.

- a. **Common issue: Degree evaluation does not state that your degree is equivalent to a US advanced degree.** Sometimes, a degree evaluator may not be able to conclude that your advanced degree is equivalent to one earned in the United States. For instance, your evaluation may say that your degree is equivalent to a bachelor’s degree or “X years of study” in a graduate program. If this is the case, your degree evaluation will not be usable and you will need to obtain an evaluation from a different provider.
- b. **Common issue: Date of graduation or other information is not consistent with the diploma and transcript.** You should try to get the evaluation service to correct the date of graduation or other information on the degree evaluation to match the other documents we are submitting..



## **DEGREE DOCUMENT FAQ**

- **Q: Can I have my degree evaluation or transcript mailed to your office?**

**A:** In general, it should **not be necessary** to have any of your degree documents sent directly to our office. Instead, we recommend that you have your transcript or degree evaluation sent to your address, and that you upload a scan of it to our server. You may also forward them or have them sent to us at [attorneys@chenassociates.com](mailto:attorneys@chenassociates.com). We understand that some universities or degree evaluators may require that your documents be sent in physical form to a third party, and will not provide them directly to you. In that case, you may provide our address.

- **Q: I found a degree evaluation provider from naces.org, but there are several different options I can select from. What should I choose?**

**A:** Many degree evaluators offer both general evaluations and course-by-course evaluations. For the purposes of qualifying as an advanced degree professional, a general evaluation should be sufficient. A course-by-course evaluation is typically more in-depth than a general evaluation, and is fine to submit as well. However, we typically recommend requesting only a general evaluation (sometimes referred to as a “document-by-document” evaluation).

It is also quite common for degree evaluators to offer different services that look at either the Canadian or the US equivalency of a degree. You should make sure that you request that the **US equivalency** of your degree be evaluated. If your evaluation does not state your degree’s US equivalency, you should request another degree evaluation.

- **Q: My university does not issue transcripts for my degree. What can I provide instead?**

**A:** It is common for some graduate programs to not issue transcripts, particularly if formal coursework was not a main component of the program. Thankfully, a transcript is not the only document that can be submitted to serve as an official academic record. A few alternatives are listed below:

1. **A letter from the registrar.** In place of a transcript, a signed and dated letter from your university's registrar confirming the degree that you earned, your area of study, the duration of your studies for the degree, and the conferral date for the degree. If the registrar cannot be reached, then a similarly-qualified official, such as the director of graduate studies or the head of your program, should be able to sign a letter instead.
  2. **A diploma supplement.** Some universities issue a detailed diploma supplement instead of a transcript. In general, most diploma supplements should be an acceptable alternative to a transcript.
  3. **A certificate of studies.** Some universities may issue a certificate containing much of the information normally found in a transcript or letter from the registrar. Depending on the content of the certificate, it may be safe to use as an official academic record.
- **Q: I have a document that my university issued along with my diploma, but I am not sure if it is a transcript. What exactly is a transcript?**

**A:** A transcript is a record of studies that lists the courses taken by a student and tracks the student's academic performance. Transcripts are frequently issued upon request from the registrar's office, and may come in a sealed envelope. For I-140 cases, USCIS **does not require** that transcripts be furnished in a sealed envelope.

Ideally, a transcript will show a degree's conferral date, but this is not always the case. So long as a transcript confirms that the degree's requirements have been met, it should be fine to submit.

- **Q: I have a transcript or other record that was issued shortly before my degree's conferral. Is this okay to use?**

**A:** We strongly recommend that all academic records be issued and dated **after** a degree has been conferred; otherwise, they may appear incomplete. A good rule of thumb is to make sure that the conferral date on the diploma is earlier than the printing date listed on the transcripts. If the only official transcript you have is from before your degree's conferral, then you should request an updated one from your university's registrar. This is especially true if your transcript also does not confirm that your degree has been awarded or that you have met the degree's requirements.

- **Q: My university won't issue my official diploma until after I have paid off my student loans or completed a term of service. Do I have to go through all this trouble just so I can submit an official diploma with my NIW?**

**A:** Not necessarily. There are a number of ways you can qualify as an advanced degree professional, and most of our clients in this situation **do not** need to go through the process of paying off their loans just to obtain their official diploma. See if one of the alternatives below applies to you:

1. **Claiming a different advanced degree.** If you hold multiple advanced degrees, any of them could potentially be used to qualify you as an advanced degree professional. While we usually recommend claiming the highest degree (often a PhD), any graduate-level degree (MS, MA, MBBS, etc.) should work for the purpose of qualifying as an advanced degree professional, so long as the necessary evidence can be provided.
2. **Submitting a provisional diploma.** If your university issued a provisional diploma, we may be able to submit it in place of an official diploma. However, filing with one carries a chance that USCIS will issue an RFE asking for the official diploma. You should always bring your attorney's attention to any provisional diplomas you may plan on providing and should weigh the risks and the benefits of filing with one. The content and wording of the provisional diploma may affect the chances of an RFE being issued, so it is important to upload a clear scan of your provisional diploma for our review and confirmation.
3. **Claiming a Bachelor's degree and 5 years of experience.** If you are able to provide your diploma, transcript, and degree evaluation (if earned outside of the United States) for a Bachelor's degree, and have obtained at least 5 years of experience in your field following your graduation, then you may be able to qualify as an advanced degree professional without providing documentation for a graduate-level degree. Please note that although we can include any time you spent in a PhD program toward the required 5 years of experience, we have noticed that a small group of immigration officers require that the experience be full-time (at least 35 hours per week).
4. **Claiming exceptional ability instead of an advanced degree.** If you are able to provide your diploma and transcript for a Bachelor's degree and your credentials meet certain requirements, then we could potentially argue that you have "exceptional ability." To claim exceptional ability, we need to show that you meet at least 3 out of 6 regulatory criteria. Because there are more requirements that

need to be met when claiming exceptional ability, filing with this case type may increase the chances of USCIS issuing an RFE (Request for Evidence). Therefore, we would recommend instead pursuing one of the above alternatives whenever possible.

- **Q: My diploma/transcript bears a stamp stating that the contents of the translation have not been verified. Is this going to be an issue?**

**A:** Degree documents from some countries (most often Iran) may bear stamps from both the person who translated the documents into English and the government office that certified them. In some cases, the certification stamp may note that its purpose is not to evaluate the translation's contents but instead to verify the document's authenticity. We have seen a small number of officers mistake this stamp for the translation stamp, and issue RFEs questioning the legitimacy of the translation. Therefore, we typically recommend re-translating any documents bearing a certification stamp containing language that might be interpreted as undermining the original translation's veracity.

A translation can be performed by a professional translation service (many degree evaluation providers also offer translation services). Alternatively, you or someone you know who is fluent in both English and the original language can perform a translation. In that case, it is important that the translator sign an affidavit attesting to the accuracy of the translation. **Please see our document translation FAQ for more information.**

- **Q: I have multiple advanced degrees. Do I need to submit documentation for all of them?**

**A:** In order to qualify as an advanced degree professional, you should submit a diploma, official academic record, and degree evaluation (if earned outside the US) for at least **one advanced degree**. Any degree above a Bachelor's degree should be able to satisfy this requirement. If you hold more than one advanced degree, submitting documentation for multiple degrees should not be necessary, but also should not be harmful. If any of your advanced degrees were earned from an accredited institution of higher learning in the US, then you should not need to request a degree evaluation for any foreign degrees you may also hold. For example, if you earned a Master of Science degree from a US institution and later earned a PhD degree in your home country, submitting your diploma and transcript for your MS degree should generally be fine, and would circumvent the need

for a degree evaluation.

- **Q: My transcript and diploma list different conferral dates. Will this be an issue?**

**A:** We recommend submitting documents that are consistent with regard to your degree's conferral date. If you believe that your diploma and transcript each list a different conferral date, please let us know and please upload these documents for our review. If we determine that the conferral date is indeed inconsistent, we may recommend that you contact your university's registrar to either obtain a revised transcript or a letter that clarifies the discrepancy.





## **Translation/Name Affidavit Overview**

### **Translation Affidavits**

All documents submitted to the USCIS must be in English or be accompanied by a certified translation. This includes degree materials, evidence of your publications, notable citations, letters of support, and any other supplementary forms of evidence used to support your petition. **Please note that, if peer-reviewed articles have the journal information, article title, authors list, and abstract in English, you should not need a certified translation for them.**

You, or a colleague fluent in both English and the language in which this document was written, can do a certified translation yourself by submitting 1) a certified translation affidavit, 2) the document in its original language, and 3) a separate document containing the English translation. Please find a template of a certified translation affidavit attached. If you or a colleague choose to do a certified translation yourselves, please complete this template. Then, please sign and date it. Otherwise, please have an official translation service complete a certified translation for you. We unfortunately cannot provide any specific recommendations for translation services.

### **Name Affidavits**

In addition to submitting translations for non-English documentation, we recommend submitting supplementary evidence in the event your name is presented or spelled differently (e.g., you publish articles under a different name than the one listed on your passport, or you use an abbreviated format of your full name in professional contexts). Please be assured that different presentations of your name should not cause any problems for your I-140 petition as long as we provide evidence explaining the difference. If you use a different name than the one listed in your passport, please refer to the attached affidavit.



## **Translation Affidavit FAQ**

- **Q: Can I use Google Translate or a similar program to translate documents?**

**A:** No, please **do not** translate anything using an automated service such as Google Translate. All translations should be performed by a fluent speaker of both English and the language in question.

- **Q: Who can perform a translation? Is it really ok if I or my friend/relative/coworker translates documents for my case?**

**A:** Anyone who can attest to their fluency in both English and the language in which the document in question is written can perform a certified translation. For the purpose of I-140 or I-129 filing, their relation to you should not impact the acceptability of the translation in any way.

- **Q: How should certified translations be formatted?**

**A:** If you or someone you know is performing the certified translation, we recommend including the translation on a separate page from the affidavit. It is generally best that the translation be formatted similarly to the original. Please **do not** translate a document by annotating or writing over the text of the original. The translation should appear as a separate document from both the original document and the translation affidavit. If using a professional translation service, the formatting used by the translator should typically be fine.

- **Q: I have many articles published in a language other than English. Do I need to translate the entire first three pages?**

**A:** No, in our experience this is not necessary. It should be fine to translate just the most relevant parts (i.e., the title, author list, publication information, and abstract). Similarly, for notable citations of your work, you should only need to translate the title, author list, publication information, any paragraphs that discuss your work, and the portion(s) of the references section that list your paper(s).

For book chapters, in addition to the chapter's title, authors, and abstract, please also translate the book's cover page, editor/author names, page(s) with the book's publication information, and the table of contents. For any patents on which you are listed as an inventor, please translate the title, patent number, filing/approval dates, the list of inventors, any assignees, and the abstract.



For any other types of publications not listed here, feel free to check with us as to which portions should be translated.

- **Q: Which portions of emails need to be translated?**

**A:** You should translate the sender, recipients, subject, date, and full contents of any emails being submitted. You should not need to translate an entire email chain, unless other replies within that chain contain pertinent contextual information.

- **Q: When signing my name affidavit, which variations should I include?**

**A:** We recommend including any and all appearances of your name that could possibly be construed as referring to a different person. When deciding what to include on a name affidavit, it is better to err on the side of caution and to include even minor variations.

- **Q: I signed my affidavit a while ago for an earlier filing. Do I need to sign a new affidavit now?**

**A:** No; so long as none of the information being attested to in either affidavit needs to be added or changed, these documents can be reused in later filings.

## Proposed Endeavor Guide and Clarifications

NIW cases are adjudicated based on the standards set in the precedent case the Matter of Dhanasar. Under the framework established in the Dhanasar case, NIW approval is dependent on demonstrating that: (1) the foreign national's proposed endeavor has both substantial merit and national importance; (2) the foreign national is well-positioned to advance the proposed endeavor; and (3) on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification.

What is meant by “*Proposed Endeavor*”? This phrase is legal language used by the USCIS to refer to the research that you intend to conduct after receiving your green card. While this language specifies “after receiving your green card,” please note that for most researchers, the overarching goal that informs and guides their research will remain relatively unchanged as their career progresses, so it will be uncommon for your proposed endeavor to be focused on one overarching goal now and on a different overarching goal after receiving your green card. While it is expected that some elements of your research will change – the tools and skills you use, the angle from which you approach the problem, etc. – it is most likely that there is a common theme and goal that runs through all the research that you have conducted.

Steps to building a strong NIW case:

- (1) Articulate a clear proposed endeavor;
- (2) Demonstrate that the proposed endeavor has “substantial merit” – meaning that it provides some positive value to critical aspects of society in general, such as health care, business, science, technology, or education;
- (3) Demonstrate that the proposed endeavor has “national importance” – meaning that it provides some benefit to some specific aspect of the United States, such as the economy, the efficiency or profitability of an industry, the environment and natural resources, energy production, improving diagnostics and treatments for debilitating costly diseases, etc.;
- (4) Demonstrate that the petitioner’s education, training, skills, expertise, and record of achievements establish their ability to successfully achieve their proposed endeavor; and
- (5) Demonstrate that the petitioner’s skills and expertise are unique and therefore not articulable in a labor certification and that there is a pressing need for the petitioner’s contributions.