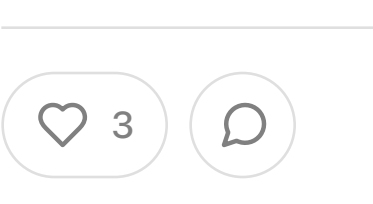


# EB1A-Fulfilling the Evaluation Criteria

Details on deciding which criteria to pick and how to fulfill them



In the previous posts I have talked about

- [What is EB1A and Why does it matter?](#)
- [Laying down the groundwork for the EB1A process.](#)

By now you have made a call that

1. You are a strong candidate for EB1A application or not and if you are then,
2. You want to either self file or have hired an attorney.

In any case, let's look into the evaluation criteria in detail. One thing to note here is that even though you have an evidence which does not fulfill a criteria (for ex: you worked on a product that won an award, this evidence will not fulfill the award category on its own but it will still add value to the application and can be added to "Preponderance" aspect of the final merits requirements. You should milk any evidence you can.

Second, I have tried to understand the mindset behind the requirements. If one takes a step back and looks at the requirements holistically, we can see that all of the requirements are looking for a strong proxy that proves that an individual is an extraordinary one. The adjudicating officer cannot be an expert in every field. Hence, they need to objectively rely on various proxies which gives the indication that the applicant itself is an extraordinary person.

For ex:

- A renowned publication (which is at the top of its field) will only publish an article which is written by an expert of the field
- A person will be accepted as a member of an elite organization only if the existing elit members deem the person's qualification to be of expert level.
- A renowned journalist will only write an article about an applicant if they feel that the person is an expert in their field of endeavor.

So effectively, one has to prove two things.

1. Proving that the entity which is saying that the applicant is an expert of the field is itself a renowned entity.
2. Defining how that entities endorsement acts as an evidence to fulfill the criteria

Moreover, one needs to understand what does "lesser nationally or internationally recognized prize/award" mean. A nobel prize or an academy award will be a major award but something which is not of that level but is still internationally recognized will be considered a lesser award. Many industries have awards that they give to individuals. Any information that you can provide that helps define the international recognition of the award can help. You need to specifically provide information around the criteria and how selective the award is and how broad the set of people from which you were selected to be the top person.

In practical terms, let's say you are an engineer and you have won a popular hackathon which has significant press coverage, you should bring that up. If you are building your profile, this might be an avenue for you to explore if you can participate in a hackathon and build something which is awardworthy.

Let's talk about what will not fulfill this criteria. The policy memo clearly states that

"membership in the associations was not based on outstanding achievements in the field include, but are not limited to, instances where the alien's membership was based:

- Solely on a level of education or years of experience in a particular field;
- On the payment of a fee or by subscribing to an association's publications; or
- On a requirement, compulsory or otherwise, for employment in certain occupations, such as union membership or guild affiliation for actors."

Also, if the organization has multiple levels, then you should be at the membership level which signifies you have contributed to the advancement or field of expertise and have added significant value to society.

For example IEEE has Senior level and fellow levels. Having an IEEE Senior membership might not be enough but having it definitely adds value to the application. One can always apply for a higher level membership based on the work they have done and see how far they can go.

If you are a software engineer, following are examples of organizations and levels that you can apply for.

IEEE

- [Fellow Requirements](#)
- [Senior Requirements](#)

LinkedIn is a great resource to find out Senior IEEE members. You will also see that many of these Senior IEEE members are also EB1A holders.

IET - The Institution of Engineering and Technology

- [Fellow Requirements](#)
- [Member of IET requirement](#)

BCS - The Chartered Institute for IT

- [Fellow Requirements](#)

As a professional working in an industry, we do not actively seek opportunities for press coverage. This is one of the best received categories by USCIS as this acts as a strong proxy for your expertise. One needs to understand that a major media can mean podcasts, TV coverage, an interview in a renowned publication online or offline.

For ex: If you are a tech professional, you can seek out tech journalists who might be interested in talking with you about your work. The journalists are always looking for an interesting story and it works out in their benefit as well. You can find the contact info of the journalist on major tech blogs.

If you have few years of experience working in a field, this is a relatively easier requirement to fulfill. One has to apply to be a part of the judging panel. The organizers are always looking for experienced individuals who can decide on various aspects of the submissions that come their way.

You have to

1. Identify at least 3-4 awards where you can be added to the panel. If you are an IT professional, you can see some of these awards here. (<https://www.itbriefcase.net/the-it-industrys-most-prestigious-awards>)
2. Take a note of the deadline to apply for being a judge and send the organizer an email.
3. Once you get a confirmation of being a judge, make sure
  - a. You have details about the award, its history, past winners etc.
  - b. You have details of your peer judges. This information is useful as it signals that you are part of a group that are also extra ordinary.
  - c. Your name and details are listed as the judge on the award's website
  - d. You have taken a screenshot of the submission evaluation detail page which proves that you have actually judged.
  - e. An acknowledgement email from the organizers that verifies that you have actually performed judging. The award coordinators are more than happy to provide you with this email.

Judging criteria can be fulfilled in many different forms. I have seen few people who have reviewed technical design work of others outside of their employer, or who have chaired a technical conference where they reviewed papers and also led a panel discussion about their work in the field. The idea is again the same that as long as one can provide evidence about the importance of the award and also provide evidence of the judgeship, this criteria can be met relatively easily.

I did not pursue this point actively. However, as a PhD holder, this is a relatively easier aspect to prove as they had done original research to get their PhD. In regards to industry applicants, if you have some patents approved, you can leverage that to satisfy this requirement.

In either case, the important part is to make sure that you provide evidence that this work has led to advancement of the field. For ex: if you have a patent then you can provide an argument for the high commercial value that this patent generated.

An interesting example that I saw was of a Software Engineer who had open source their work and published it on Github. The number of github stars is a strong signal of the industry adoption of their work. They also pulled in the information about the utilization of these libraries from the tech talks that were given by others who were using this library in their own work.

If you have spent a reasonable amount of time in your industry, this is a great category which if fulfilled can bring a strong structure/theme to the overall application. These scholarly articles should be published in the media outlet that has a large learned audience. Learned here is defined as someone who is having a demonstrated profound knowledge or scholarship.

For an IT professional, there are tonnes of avenues that you can get yourself published:

- <https://www.red-gate.com/simple-talk/write-for-us/>
- <https://dzone.com/pages/contribute>
- [https://www.programmableweb.com/faq#Write\\_For\\_PW](https://www.programmableweb.com/faq#Write_For_PW)

You will have to write your article first and then will have to pitch it to various publications.

I did not pursue this requirement. Following is the evaluation criteria from the policy memo

"1. Determine whether the work that was displayed is the alien's work product. The description of this type of evidence in the regulation provides that the work must be the alien's.

2. Determine whether the venues (virtual or otherwise) where the alien's work was displayed were artistic exhibitions or showcases.

Webster's online dictionary defines:

Exhibition as a public showing.

(See: <http://www.merriam-webster.com/dictionary/exhibition>)

Showcase as a setting, occasion, or medium for exhibiting something or someone especially in an attractive or favorable aspect.

(See: <http://www.merriam-webster.com/dictionary/showcase>)"

Here is a better coverage from breakthroughusa.com as well. <https://www.breakthroughusa.com/eb1-green-card-8-c-f-r-204-5h-3-has-your-work-been-exhibited-or-showcased/>

Critical Role is the most widely used category and is the most highly scrutinized as well. The adjudicating officer expects to see that your employment sets you have to have the most distinguished reputation. This can also be project or client based critical or leading roles. You need to have at least two examples of critical leading roles to satisfy this category. So one needs to identify and choose two strongest projects or employment roles that would reflect this.

Also, you need to provide corroborating evidence outside of the recommendation letters for the critical role category. The corroborating evidence can be a congratulatory email mentioning your name about successful finishing of the project, a calendar invite, a screenshot of slack conversation, if you traveled for this work, then bills or expense report of that can also be used as a corroborating evidence. You will also need to collect a recommendation letter which will explain in detail about what the author's role is in the company, what was the context of the project, why was it important and what critical work did you do to support this project.

To satisfy this requirement, you would want to identify your correct title and see if you fall above or in the 90th percentile for others in your field in the country you are currently working in. This can be checked using sites like the Bureau of Labor Statistics here in the USA, payscale.com, glassdoor, etc.

For ex: For Software Engineer in San Francisco area, the information can be found here

[Software Developers, Applications](#) (15-1132)

- <https://www.careeronestop.org/toolkit/wages/find-salary.aspx?keyword=15-1132&soccode=151132&location=SAN%20FRANCISCO,%20CA>
- <http://www.fldatacenter.com/QesQuickResults.aspx?area=41884&code=15-1132&year=198&source=1>
- [https://www.bls.gov/oes/current/oes\\_41884.htm](https://www.bls.gov/oes/current/oes_41884.htm)

To prove that you actually meet the high salary category, you need to provide the employment contract, job description, pay-stubs, tax returns of previous years, any employment benefits, W-2s. In general, RSU's, stocks or any other allowances are not considered unless that information is added as an income in the W2.

Following is a verbatim from the policy memo as it covers the requirements pretty well.

"This criterion focuses on volume of sales and box office receipts as a measure of the alien's commercial success in the performing arts. Therefore, the mere fact that an alien has recorded and released musical compilations or performed in theatrical, motion picture or television productions would be insufficient, in and of itself, to meet this criterion. The evidence must show that the volume of sales and box office receipts reflect the alien's commercial success relative to others involved in similar pursuits in the performing arts."

Let's talk about what is the EB1-A Green Card and why does it matter.

