

EB-1A Approvals in January 2011

In January 2011, Liu & Associates had eleven (11) NIW, EB-1A, and EB-1B I-140 cases approved by the USCIS. Among the approved I-140 cases, Five (5) were NIW, three (3) were EB-1A, and three (3) were EB-1B cases. We had one EB-1A I-140 case denied by USCIS in January 2011, which was our second EB-1A I-140 case that has been denied since January 2010. Notably, both EB-1A I-140 cases were denied by the TSC premium Processing Service.

As we reported before, since the summer of 2010, USCIS adjudication of I-140 cases has been significantly slowing down. As a result, we had fewer I-140 cases approved in January 2011 than in a regular month before the summer of 2010. Also, as a result, a large number of I-140 cases have been pending over seven (7) months - the USCIS posted processing time for I-140 petitions.

Recently we have received numerous inquiries in regard to the USCIS Interim Memorandum following Kazarian and whether USCIS has raised the bar for EB-1A, EB-1B and NIW petitions. So far, we have not seen a clear trend of change or USCIS policy shift regarding EB-1A, EB-1B and NIW adjudication. However, in wake of Kazarian, USCIS has adjusted its adjudication guidance of EB-1A and EB-1B, which have caused confusion and inconsistency of adjudication standards among the USCIS adjudicators. As a result, we have seen more Requests for Evidence (RFE) and Notices of Intent to Deny (NOID) in the past three months.

This report includes three (3) EB-1A cases filed by Liu & Associates and approved by the USCIS in January 2011. We list the basic credentials of each case and hope our readers find the information helpful. For confidentiality purpose, a numeric number is assigned to replace the petitioner/beneficiary's name in each case. It is our firm's policy to hold client's information strictly confidential.

Compiled and briefed by Tiffany Smith, Certified Legal Assistant at Liu & Associates, PLLC.

Case # 1

Case Type:	Eb-1A I-140
Field of Research:	Chemistry
Current Position:	Research associate at a university
Major Credentials:	Ph.D. from a US university Published 10+ journal papers Invited to review the works of others 10+ times Cited approximately 220+ times by other researchers worldwide
Supporting Letters:	6 including 3 independent experts
Filing Date:	August 4, 2010
Approval Date:	January 10, 2011

Case # 2

Case Type: Eb-1A I-140
Field of Research: Chemical Engineering
Current Position: Postdoctoral fellow at a university
Major Credentials: Ph.D. from a foreign university
Published 20+ journal papers
Consistently invited to review the works of others
Cited approximately 180+ times by other researchers worldwide
Supporting Letters: 6 including 4 independent experts
Filing Date: February 15, 2010
Approval Date: January 19, 2011

Case # 3

Case Type: Eb-1A I-140
Field of Research: Chemistry
Current Position: Postdoctoral associate at a university
Major Credentials: Ph.D. from a US university
Published 10+ journal papers
Consistently invited to review the works of others
Cited approximately 150+ times by other researchers worldwide
Supporting Letters: 5 including 4 independent experts
Filing Date: September 21, 2010
Approval Date: January 27, 2011

For more approved cases, please see <http://www.niwus.com/Approvals.html>.