

EB-1B I-140 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.

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-1B I-140 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-1B I-140
Field of Research: Organic Chemistry
Current Position: Research associate at a university
Major Credentials: Ph.D. from a US university
Published 10+ journal papers
Cited approximately 50+ times by other researchers
Supporting Letters: 6 including 3 independent experts
Filing Date: May 13, 2010
Approval Date: January 14, 2011

Case # 2

Case Type: Eb-1B I-140
Field of Research: Food Science
Current Position: Senior research scientist at a private company
Major Credentials: Ph.D. from a foreign university
Published 30 journal papers
Cited approximately 170+ times by other researchers

Supporting Letters: 4 including 1 independent experts
Filing Date: December 10, 2010
Approval Date: January 19, 2011

Case # 3

Case Type: Eb-1B I-140
Field of Research: Civil Engineering
Current Position: Senior research engineer at a private company
Major Credentials: Ph.D. from a foreign and a US university
Published 20+ journal and conference papers
Cited approximately 50 times by other researchers
Supporting Letters: 6 including 4 independent experts
Filing Date: March 29, 2010
Approval Date: January 6, 2011

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