

A FLOWCHART FOR PROCESSING I-129 O-1 PETITION (SCIENTISTS)

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I. Free Evaluation

1. Initial Evaluation:

- a. Potential client e-mail resume to Lawyer for a free evaluation;
- b. Lawyer reviews resume and e-mails back with evaluation within two business days;
- c. The evaluation analyzes whether the credentials given in the resume meet the minimum requirements; whether the case has a reasonable chance to be approved by USCIS; whether Lawyer can take the case.

2. Follow-Up Communications:

- a. Potential client contacts Lawyer via email or by phone regarding the evaluation;
- b. Lawyer answers follow-up questions and makes necessary clarifications.

3. Choose a Service Package:

- a. Potential client notifies Lawyer via email or by phone of the service package he/she chooses (regular or premium – for differences between regular and premium services, please see Part III Section 8 of this flowchart);
- b. Lawyer e-mails potential client the retainer documents according his/her choice of service;
- c. Potential client communicates with Lawyer if a question or concern arises from the retainer documents.

II. Establishing Attorney-Client Relationship

4. Important Things You Need to Know Before Signing the Retainer Agreement:

- a. The specific services covered by the agreement;
- b. Whether you fully understand what Lawyer has explained to you regarding the chance and the risk of the case;
- c. If necessary, revisiting the previous communications you had with Lawyer.

5. Sign the Retainer Agreement & Pay the Retainer Fee:

- a. Sign your name on the agreement and date your signature;
- b. Mail the signed agreement along with payment check of the retainer fee.

6. Attorney-Client Relationship:

- a. Lawyer receives the retainer agreement and payment of retainer fee;
- b. Lawyer signs the agreement and attorney-client relationship is established;
- c. Lawyer mails a photocopy of the signed agreement and a receipt of the retainer fee to Client;
- d. Lawyer e-mails a set of documents and questionnaires to Client;
- e. Under Attorney-Client relationship, Lawyer is bound by professional rules and other pertinent laws, and owes a fiduciary duty to Client.

III. Processing the Case

The One (1) Business Day Rule: In processing each case, the firm's policy requires Lawyer to respond to Client's email or phone inquiries by the next business day, although most of the time Client receives response from Lawyer on the same business day.

7. Contacting Recommenders or References:

- a. Lawyer e-mails Client a sample email requesting assistance from potential recommenders and references;
- b. Lawyer answers questions regarding choice of recommenders. We submit five (5) letters and Client needs to find five (5) recommenders accordingly;
- c. Client contacts potential recommenders using the modified sample email message.

8. Preparing Letters of Recommendation:

Client has two options:

Option I: Regular Service:

- a. Lawyer e-mails Client instructions and sample letters of recommendation;
- b. Client or references prepare five (5) letter drafts;
- c. Client email all five (5) letter drafts to Lawyer (before scheduling a date to edit and revise the drafts, Lawyer must receive the complete set of all five (5) letter drafts);
- d. Lawyer revises the letter drafts **in ten (10) business days** after receiving all drafts from Client;
- e. Client forwards the letter drafts to recommenders for final review and signature;
- f. Recommenders review and sign the letters of recommendation, and send the originally signed letters to Client, and a copy to Lawyer;
- g. Lawyer confirms with each recommender of the receipt of the signed letters.

Option II: Full Service:

- a. Client provides lawyer with a list of recommenders, their contact and background information, and a workable summary of Client's major contributions;
- b. Lawyer drafts model letters of recommendation according to each recommender's background and their knowledge of Client's work;
- c. Lawyer completes the letter drafts **in ten (10) business days** after receiving the complete list of recommenders and summary of Client's major contributions;
- d. Lawyer revises the letter drafts per recommenders' and Client's feedback;
- e. Lawyer finalizes the model letters of recommendation and emails them to recommenders for final review;
- f. Recommenders review and sign the letters of recommendation, and send the originally signed letters to Client, and a copy to Lawyer;
- g. Lawyer confirms with each recommender of the receipt of the signed letters.

9. Drafting Petition Letter & Preparing Forms:

- a. Client mails to lawyer **a physical copy of all supporting documents** including the originally signed letters of recommendation ((before scheduling a date to organize the documents and write petition letter, Lawyer must receive the complete set of all supporting documents including all signed letters));
- b. Lawyer organizes the supporting documents into exhibits and drafts the petition letter based on the supporting documents;
- c. Lawyer completes the petition letter draft and e-mails Client the draft **in ten (10) business days** after receiving all supporting documents;
- d. Lawyer e-mails Client the completed USCIS forms for Client to review and sign;
- e. Client makes necessary corrections and changes to the petition letter;
- f. Lawyer finalizes the petition letter based on Client's feedback;
- g. Client signs and mails the USCIS forms to Lawyer;

10. Filing the Case:

- a. Lawyer makes final review of the accuracy and completeness of the documents to be submitted to USCIS;
- b. Lawyer signs the documents and finalizes the petition package to be submitted to USCIS;
- c. Petition package is shipped to USCIS via FedEx;
- d. Lawyer e-mails Client the FedEx tracking number for the shipment.

IV. After the Case is Filed with USCIS

11. USCIS Receipt

- a. Lawyer receives USCIS receipt (usually within two weeks after case is filed);
- b. Lawyer e-mails Client a scanned copy of the USCIS receipt;
- c. Client may check the online case status with the USCIS receipt number.

12. Approval of the Case

- a. Lawyer receives Approval Notice from USCIS;
- b. Lawyer emails Client a copy of the approval notice and payment invoice;
- c. Client mails Lawyer the payment due for legal fees upon approval;
- d. Lawyer mails Client the USCIS Approval Notice and close the case file.

V. In Case of Receiving Request for Evidence (RFE) or Notice of Intent to Deny (NOID)

13. Preparing the Response to RFE or NOID

- a. Lawyer immediately notifies Client regarding the content of the RFE or NOID and email Client a scanned copy of the RFE or NOID;
- b. Lawyer advises Client of the documents to be prepared in response to the RFE or NOID;
- c. Lawyer drafts the legal memorandum in response to RFE or NOID;
- d. Lawyer files the response to RFE or NOID before the deadline;
- e. See Item 12 if case is approved.

VI: In Case of Receiving Erroneous Denial

14. Post-Decision Inquiry, Re-filing or Appeal

- a. Upon receiving the USCIS denial notice, Lawyer immediately notifies Client of the denial and the USCIS reasoning for the denial;
- b. Lawyer advises Client of the options of filing a post-decision inquiry with USCIS, filing a motion to re-open and re-consider (MTR), or re-filing the case;
- d. Lawyer and Client determine whether to file a post-decision inquiry, a MTR, or to re-file the case.

15. Post-decision Actions

- a. Lawyer takes further actions.
- b. If USCIS approves the case after Lawyer's post-decision actions, please refer to Step 12.

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