

# CASSEUS LAW

## IMMIGRATION Q&A SESSION

6/26/14

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# CASSEUS LAW

- Casseus Law has assisted and counseled over 100 researchers and entrepreneurs from institutions all over the United States.
- Our clients come from many institutions including:
  - MIT
  - Harvard
  - Dana Farber
  - BU
  - Stanford

# Our Mission

- ❑ To assist entrepreneurs and researchers in obtaining their permanent resident green cards
- ❑ Casseus Law maintains a 100% success rate
- ❑ Highly selective about which cases we take to ensure success rate



# Attorney Sabine Casseus



- Licensed to practice immigration law in all 50 states and internationally.
- Princeton University Graduate
- Specializes in all green card types including EB-1 (a)(b), NIW, and marriage based
- Expert case drafter.

# Attorney Rachel Casseus



- Graduate of Dartmouth College
- Member of the American Immigration Lawyers Association
- Specializes in all green card types including NIW, EB-1(a)(b), investor EB-5, marriage and religious based green cards
- Counsels clients on the best course of action

# EMPLOYMENT BASED GREEN CARD OPTIONS

- EB-1
  - **Alien of Extraordinary Ability**
  - **Outstanding Professor/Researcher**
  - **Entrepreneurs**
- EB-2
  - **National Interest Waiver**
  - PERM Labor Certification
  - PERM Special Handling Labor Certification
  - Schedule A, Group II Alien of Exceptional Ability
- EB-3
  - PERM Labor Certification
- EB-5
  - Investors

# VISA BACKLOG EB-2

- ❑ As of July 2014, the EB-2 category is backlogged for nationals born in China and India.
- ❑ China priority date July 01, 2009
- ❑ India priority date September 01, 2008
- ❑ Instead of filing NIW, we recommend that Chinese and Indian born nationals apply for EB-1(a) or (b) to avoid backlog
  - ❑ Source July 2014 Visa Bulletin
  - ❑ <http://travel.state.gov/content/visas/english/law-and-policy/bulletin/2014/visa-bulletin-for-july-2014.html>

# EB-2: PROFESSIONAL WITH ADVANCED DEGREE

- ❑ Advanced Degree or Exceptional Ability 10+ years experience
- ❑ Employer Must Petition
- ❑ Labor Certification (LC) Required
- ❑ PERM – Process to Obtain LC

# NIW: NATIONAL INTEREST WAIVER

- ❑ SELF PETITION
- ❑ No Labor Certificate (LC) Required
- ❑ No Job Offer or Employer Required
- ❑ Can Apply while on any status including:  
F-1, OPT, J Waiver, H-1B, TN, etc.
- ❑ Faster than Other Employment Based Applications
- ❑ BACKLOG China and India Born

# NIW: GENERAL REQUIREMENTS

- You work in a field that is beneficial to the U.S.
- Benefit of work National in Scope, i.e., work benefits more than one state/location
- National Interest Will Be Adversely Affected If LC Is Required
  - ▣ Applicant Will Serve National Interest to a Substantially Greater Degree than a US Worker Having Same Minimum Qualifications

# NIW: GENERAL REQUIREMENTS

- ❑ Advanced Degree: Majority of clients Ph.D.s
- ❑ 10 Years of Full-time Experience
- ❑ Publish in Journals: Recommend 10-30 Articles
- ❑ Citations: Recommend 50-100
- ❑ Recognition of Your Achievements by Peers, Government Entities, or Professional Organizations
- ❑ High Salary or Other Remuneration
- ❑ Membership In Professional Organizations
- ❑ **History of Exceptional Achievement in Your Field**

# NIW: SUPPORTING EVIDENCE

- ❑ Updated, Complete Curriculum Vitae
- ❑ Diplomas
- ❑ Letters of Recommendation: Independent, Advisors, Industry, Government, Peers
- ❑ Author Papers in International, Peer-Reviewed Journals
- ❑ Citations

# NIW: SUPPORTING EVIDENCE

- ❑ National and International Conference Presentations
- ❑ Review for Journals, Conference Committees, Scientific Boards
- ❑ Patents
- ❑ Media coverage about you and your Work
- ❑ Prestigious Awards and Prizes, Especially Monetary
- ❑ Grants from U.S. Government or National and International Groups

# EB-1 (a): ALIENS WITH EXTRAORDINARY ABILITY

- ❑ No employer sponsor needed
- ❑ Satisfy 3 out of 10 conditions:
  - ❑ 1. Receipt of national or international award for excellence
  - ❑ 2. Member of a professional association
  - ❑ 3. Publicity regarding alien or their work in major trade journals
  - ❑ 4. Participate as a judge to evaluate others' work

# EB-1 EVIDENCE CONTINUED

- ❑ 5. Original scientific, scholarly or artistic contribution
- ❑ 6. Authorship of articles in major trade journals or other media
- ❑ 7. Artistic exhibitions or shows
- ❑ 8. Leading role in an organization with distinguished reputation
- ❑ 9. High salary or compensation compared to peers
- ❑ 10. Commercial success within the performing arts
- ❑ Intend to continue to work in the same field in US

# EB-1 (b): OUTSTANDING RESEARCHER/ PROFESSOR

- ❑ **No Self-Petition**
- ❑ Employer Sponsored
- ❑ Internationally Recognized As Outstanding
- ❑ Job Offer Permanent Researcher/Tenured Track
- ❑ Minimum 3 Years Related Experience in field
- ❑ Similar Supporting Evidence As EB-1 (a)

# THE NIW ENTREPRENEUR

Casseus Law sample client



- Does not have a masters or advanced degree
- Has worked in the field for 20 years
- Architect
- Won government contracts to build affordable housing
- No citations
- Employs 100 U.S. workers/contractors
- I-140 approved in 6 months

# THE EB-1 MOLECULAR BIOLOGIST

Casseus Law sample client



- EB-1(b) obtained in 58 days
- Has worked in the field of biology for 10 years
- Research Scientist at BWH

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- Obtained Ph.D. from Stanford
- 100 citations
- Made a drug catalyst for Novartis grossed \$500M
- Peer Review for major journals
- 30 conference and journal publications

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# THE NIW ENGINEER

Casseus Law sample client



- Worked in industry made \$100k per year for two years

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- Obtained Ph.D. from Boston University
- 69 citations
- Postdoc at MIT RLE
- 20 conference and journal publications
- I-140 approved 2 mos. I-485 approved 6 mos.

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# NEXT STEPS

- Update Resume
- Obtain Copies & Translations of all documents
- Create Google Scholar Account
- Update and Sanitize Websites, Blogs, and Social Media Accounts, Work and Personal, LinkedIn, Facebook, Twitter
- Obtain Evidence of Significant Awards (Certificates/ Award Letters)
- Obtain Evidence of Reviewing and Judging Activities (Emails from Editors or Competition Organizers)
- Copies of all Published Materials Both By and About You
- Approach Potential Recommenders

# SERVICES/COSTS

- Resume Review: \$0
- In-Person Consultation/Review of Self-Prepared Petition: \$250/hour
- Preparation of EB-2 NIW Petition: Attorney's Fees \$6,000 + Filing Fees and Costs
- Preparation of I-485 Green Card: Attorney's Fees \$1,000+ Filing Fees
  - Includes Preparation of I-131 and I-765
  - Filing Fees
    - I-140: \$580
    - I-485, I-131 and I-765: \$1070 (if all 3 filed together) individuals 14 and older
    - I-485 Fee Children 13 and younger: \$635

\*Fees current as of June 26, 2014, but subject to change\*

# FREE GREEN CARD CREDENTIAL REVIEW

- ❑ Casseus Law performs free credential reviews to determine if you meet the NIW, EB-1 (a)(b) requirements.
- ❑ Send your CV, Google Scholar Report, and a brief summary of your work including your contributions to your field to [rachel@casseuslaw.com](mailto:rachel@casseuslaw.com)
- ❑ If you do not have a Google Scholar report and you are published, make one today!