

**An Analysis of EB-1 Cases Approved from October to December 2011**

From October to December 2011, our firm received 46 EB-1 case approvals: 28 EB-1(a), 16 EB-1(b), and 2 EB-1(c). USCIS approved 27 of these cases without a request for evidence. In addition, from October to December 2011, our firm also received 86 NIW case approvals. For the year of 2011, our firm received 286 NIW approvals, 206 EB-1 approvals, 815 I-485 approvals, as well as 269 H-1B approvals.

Out of the 46 EB-1 cases approved in the past three months, most applicants had a Ph. D and conducted scientific research. However, there is one EB-1 (a) applicant only possessing a Master degree but receiving highly recognition in his art field. Among other samples of approved applicants, most conduct research in medical science, biology, and engineering, while others focus on computer science, physics, etc.

Ph.D	39
Master	1
Bachelor	0
N/A	6

Three of the most popular job titles for applicants who received approval were that of a “postdoctoral fellow”, “assistant professor” and “engineer”. Those specializing in these occupations mainly conduct research, produce papers, and attend conferences. Because of the nature of scientific work, it is much easier to meet EB-1 requirements. Of course, as mentioned earlier, this should not discourage you from applying if you happen to fulfil different, but equally comparable criteria. Each case varies and it is difficult to determine whether or not you qualify unless you come in for an evaluation.

In addition to the above, our firm has also compiled data on other criteria. The average number of journal papers published among these applicants was 15. The average of number of reviews conducted was 23. The average processing time for these applicants was 168 days or about five months. The longest amount of time it took to approve an application was 396 days, while the shortest was 12 days.

Before you start the application process, it is imperative that you consult with a highly trained legal professional, particularly since USCIS has become stricter with EB-1 applications after a memo was released on August 18, 2010. In essence, the USCIS memo breaks the EB-1 evaluation process up into two parts – 1) evaluating whether the applicant meets the baseline criteria for the immigration category and 2) determining whether the applicant’s evidence demonstrates the required high level of expertise for the immigration category. In the second part of the review process the USCIS will evaluate the evidence to see if, as a whole, it proves by a preponderance of the evidence that the applicant is at the very top of his or her field of endeavor.

Journal papers on average	15
Reviews on average	23
Average processing date	168

Finally, premium process was adopted in filing 17 out of the 46 EB-1 cases. In our personal experience, we have found that premium processing can expedite adjudication of your application. However, if you are not a highly qualified applicant, you could receive a RFE notice as a result. Furthermore, in our practice, we have heard that a USCIS officer only has 15 minutes to read through an application. Given the stringent time constraints, officers sometimes automatically issue a RFE to fulfil the 15 day processing guarantee while not having to approve or deny a petition. Please note, an applicant can adopt premium process when initially filing one petition or do so after the petition has been filed. In either case, USCIS will issue and serve on the petitioner or applicant an approval notice, a denial notice, a notice of intent to deny, a request for evidence or open an investigation for fraud or misrepresentation within the 15 calendar day period.

Again, before you start the application process, it is imperative that you consult with a highly trained legal professional. If you are interested in contacting us for a free consultation, please call our offices at 1-800-230-7040 or email us at [info@hooyou.com](mailto:info@hooyou.com).

For more information on the 46 EB-1 cases approved from October to December 2011, please refer to the table below.

#	Case Type	Degree	research field	journal paper	Citation	reviews	job title	R F E	Processing time	Premium Processing
1	EB-1A	Ph. D	Materials Science	47	318	7	scientist		150	
2	EB-1A	Master	Fine arts, Painting	N/A	N/A	N/A	Painter		62	
3	EB-1A	Ph. D	Pharmacology	9	112	30	post doctoral fellow		18	Yes
4	EB-1A	Ph. D	Electronic Engineering	27	177	17	associate researcher		105	
5	EB-1A	Ph. D	Soil Science	16	365	6	post doctoral researcher		278	

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6	EB-1A	Ph.D	Electrical Engineering	3	23	11	research scientist		174	
7	EB-1A	N/A	N/A	N/A	N/A	N/A	corporation president	R F E	327	
8	EB-1A	Ph.D	Mathematics	25	N/A	2	medical physicist		18	Yes
9	EB-1A	Ph.D	Medicine	8	25	185	postdoctoral fellow		66	Yes
10	EB-1A	Ph.D	Engineering	11	30	129	engineer		367	
11	EB-1A	Ph.D	Chemistry	27	28	330	research associate		12	Yes
12	EB-1A	Ph.D	Chemistry	18	14	463	post-doc		24	Yes
13	EB-1A	Ph.D	Physiology	14	5	360	research investigator		17	Yes
14	EB-1A	Ph.D	Medical Physics	11	30	75	medical physics resident		99	
15	EB-1A	Ph.D	Material Science	11	457	N/A	postdoctoral research associate		319	
16	EB-1A	Ph.D	Neurology	22	153	6	postdoc	R F E	382	
17	EB-1A	N/A	N/A	N/A	N/A	N/A	N/A	R F	385	Yes

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18	EB-1A	Ph.D	Engineering	15	200	44	senior specialist		139	
19	EB-1A	Ph.D	Medicine	60	406	11	research fellow		139	
20	EB-1A	Ph.D	Physics	11	121	20	research fellow	R F E	67	Yes
21	EB-1A	Ph.D	Microbiology and pharmacology	15	123	26	research scientist		18	Yes
22	EB-1A	Ph.D	Organic Geochemistry	15	269	18	postdoc	R F E	143	Yes
23	EB-1A	Ph.D	Electrical and Computer Science	10	59	80	senior specialist	R F E	60	Yes
24	EB-1A	Ph.D	Analytical Chemistry	8	161	27	researcher		14	Yes
25	EB-1A	Ph.D	Electrical Engineering	11	47	31	research associate	R F E	23	
26	EB-1A	Ph.D	Electrical and Computer Science	3	123	N/A	Associate and Vice-President	R F E	396	

27	EB-1A	Ph.D	Electrical Engineering	26	358	29	research associate		44	
28	EB-1A	Ph.D	Physics	7	370	19	scientist	R F E	217	
29	EB-1B	Ph. D	Biochemistry and Molecular Biology	9	325	2	research associate		159	
30	EB-1B	Ph. D	Atmospheric Sciences	18	80	2	research assistant professor		14	Yes
31	EB-1B	Ph.D	Cell Biology	27	1	103	post-doctoral research assistant	R F E	309	
32	EB-1B	Ph.D	Urban Planning and Policy	9	8	N/A	transportation analyst	R F E	324	Yes
33	EB-1B	Ph.D	Physics	6	N/A	19	associate director		122	Yes
34	EB-1B	N/A	N/A	N/A	N/A	N/A	N/A	R F E	69	
35	EB-1B	Ph.D	Biology	3	8	96	habilitation		138	
36	EB-1B	Ph.D	Chemistry	3	5	52	senior research scientist	R F E	296	

37	EB-1B	Ph.D	Biology	N/A	N/A	N/A	N/A	R F E	254	
38	EB-1B	Ph.D	Manu facturing Enginee ring	7	35	55	research engineer	R F E	361	
39	EB-1B	Ph.D	Chinese Literatu re	19	181	5	associate professor	R F E	380	
40	EB-1B	N/A	N/A	N/A	N/A	N/A	N/A	R F E	38	Yes
41	EB-1B	Ph.D	Electrica l and Comput er Science	3	17	10	technical staff		279	
42	EB-1B	Ph.D	Electrica l and Comput er Science	8	30	25	associate professor		14	
43	EB-1B	Ph.D	Chemist ry	6	100	2	director of quality control	R F E	116	
44	EB-1B	Ph.D	Mathem atics and Philosop hy	6	23	N/A	principal researche r		15	Yes
45	EB-1C	Bachel or	N/A	N/A	N/A	N/A	executive general manager		244	
46	EB-1C	Bachel	Account	N/A	N/A	N/A	chairman	R	296	

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