

EB-1A EXTRAORDINARY ABILITY

The EB-1A Evidence Checklist

The ten regulatory criteria from 8 CFR 204.5(h)(3), what tends to satisfy each one, and the second step most guides skip.



Prepared by the Ellis Porter content team. This checklist has not been reviewed by an attorney for your specific situation. It is general information and a self-assessment aid, not legal advice and not a prediction of any outcome.

HOW THE TEST WORKS

A threshold, then a judgment

You qualify for the EB-1A one of two ways under 8 CFR 204.5(h)(3): a single major, internationally recognized award, or at least three of the ten criteria below. That is the threshold, not the whole test; USCIS then applies a final merits determination that weighs your evidence as a whole (page 4). Check the criteria where you can point to real evidence today.

1 ☐ Awards and prizes.

Nationally or internationally recognized prizes or awards for excellence. What matters is the prestige and reach of the award: who gives it, the field-wide criteria to win it, how many recipients, the caliber of past winners. Local or internal company awards rarely carry the weight.

2 ☐ Membership in exclusive associations.

Counts only if the association requires outstanding achievement, judged by recognized experts. Paid or open-enrollment memberships do not qualify; provide bylaws showing the selective criteria.

3 ☐ Published material about you.

Published material about you and your work in professional publications or major media. The article must be about you, not merely mention or quote you in passing; include the publication's circulation or standing.

4 ☐ Judging the work of others.

Peer review for a recognized journal, grant panels, or judging a competition. Keep the invitations and confirmations; a single review can count, but a sustained record is stronger.

5 ☐ Original contributions of major significance.

Often the heart of the case and the most common source of a Request for Evidence. Originality is not enough: show impact through adoption by others, high citation counts, licensing, or detailed expert letters explaining why the contribution mattered beyond your own project.

6 ☐ Scholarly articles.

Authorship of scholarly articles in professional journals or major media. A publication list with venues and citation counts is the usual evidence; citation metrics help contextualize impact.

7 ☐ Artistic exhibitions or showcases.

Display of your work at artistic exhibitions or showcases. Written for the arts; the venue's prominence is what gives it weight.

8 ☐ Leading or critical role.

A leading or critical role for organizations with a distinguished reputation. Show both halves: that your role was leading or critical (position, responsibilities, results) and that the organization is distinguished. Letters from leadership describing your specific impact beat a title alone.

9 ☐ High salary or remuneration.

High salary relative to others in the field. Context is everything: pair your compensation with salary-survey data for your role, level, and location.

10 ☐ Commercial success in the performing arts.

Box office receipts, sales, or comparable measures. Specific to the performing arts.

Counting your three. Three checked boxes is the regulatory minimum to reach step two. If your work does not fit these boxes at all, the regulation allows comparable evidence for criteria that do not readily apply to your occupation; that is a case-specific judgment worth attorney input.

STEP TWO

The final merits determination

Meeting three criteria gets you past step one. The USCIS Policy Manual (Volume 6, Part F), following *Kazarian*, then applies a final merits determination: a holistic look at whether the totality of the evidence shows sustained acclaim and places you among the small percentage at the very top of your field. This is why two petitions with the same three criteria can end differently: a record built on independent, high-impact recognition reads very differently from one that technically satisfies the boxes with thin or self-referential evidence. Building toward step two, not just step one, is the core of EB-1A strategy.

Your strongest three (or more)

List the criteria you checked and the single best piece of evidence for each. Thin spots here are what a consultation should focus on.

Could you qualify for EB-1A?

See how the extraordinary ability criteria apply to your achievements: lp.ellisporter.com/eb1a-qualify

Prepared by the Ellis Porter content team. This document is general information, not legal advice, and reading it does not create an attorney-client relationship. Whether a specific record clears the final merits bar is case-specific; no checklist can predict a result. Criteria: 8 CFR 204.5(h)(3); final merits: USCIS Policy Manual Vol. 6, Part F.