**U.S. Citizenship
and Immigration
Services**

September 12, 2023   PA-2023-26

Policy Alert

SUBJECT: Evaluating Eligibility for Extraordinary Ability and Outstanding Professor or
Researcher Visa Classifications

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the USCIS Policy
Manual to clarify how USCIS evaluates evidence to determine eligibility for extraordinary ability
and outstanding professor or researcher first preference employment-based immigrant visa
classifications.[1]

Background

Persons with extraordinary ability in the sciences, arts, education, business, or athletics can self-
petition for first preference immigrant visa classification (E11) without a job offer or certification
from the U.S. Department of Labor.

A U.S. employer, including a university, institution of higher learning, or private employer, may
petition for a professor or researcher who is internationally recognized as outstanding in a specific
academic area to receive a first preference immigrant visa classification (E12) to work in a tenured or
tenure-track position or a comparable position to conduct research.

This policy update provides additional guidance regarding the evaluation of evidence submitted in
support of E11 extraordinary ability and E12 outstanding professor or researcher petitions. Among
other revisions, this update incorporates more detailed guidance and examples, similar to previously-
issued nonimmigrant guidance for O-1A nonimmigrants of extraordinary ability.[2]

This guidance, contained in Volume 6 of the Policy Manual, is effective immediately. The guidance
contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Adds clarifying guidance describing examples of evidence that may satisfy the relevant
evidentiary criteria or qualify as comparable evidence, as well as considerations for evaluating

---

[1] See INA 203(b)(1)(A)-(B). See 8 CFR 204.5(h)-(i).
[2] See O-1 Nonimmigrant Status for Persons of Extraordinary Ability or Achievement, PA-2022-03, issued January 21,
2022.

To provide feedback on this update, email USCIS at policyfeedback@uscis.dhs.gov.   **www.uscis.gov**

such evidence, with a focus on science, technology, engineering, or mathematics (STEM) fields.

- Clarifies how officers evaluate the totality of the evidence to determine eligibility for E11 extraordinary ability and E12 outstanding professor or researcher petitions and provides examples of positive factors that officers may consider.

Summary of Changes

Affected Section: Volume 6 > Part F > Chapter 2 > Section B, Evidence of Extraordinary Ability

- Revises Section B throughout, including incorporating content from Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence and reorganizing and revising content.

Affected Section: Volume 6 > Part F > Chapter 3 > Section B, Evidence

- In Subsection 1 (Assess Whether Evidence Meets Any Regulatory Criteria), revises the second footnote, removes the third paragraph referencing the Appendix: Outstanding Professor or Researcher Petitions – First Step of Reviewing Evidence, and incorporates content from the appendix to the end of the subsection, with revisions.

- In Subsection 2 (Final Merits Determination) revises the first paragraph and adds new content after the first paragraph.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 6: Immigrants, Part F, Employment-Based Classifications, Chapter 2, Extraordinary Ability [6 USCIS-PM F.2]; Chapter 3, Outstanding Professor or Researcher [6 USCIS-PM F.3].