



March 23, 2022

PA-2022-12

## Policy Alert

**SUBJECT:** Qualifying Published Material and Scope of Leading or Critical Role in Extraordinary Ability and Outstanding Professor or Researcher Visa Classifications

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating the [USCIS Policy Manual](#) to align existing guidance on certain first preference immigrants with a recent Policy Manual update relating to nonimmigrants of extraordinary ability.<sup>1</sup>

### Background

Persons with extraordinary ability in the sciences, arts, education, business, or athletics can self-petition for first preference classification without a job offer or certification from the 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 work in a tenured or tenure-track position or a comparable position to conduct research.

USCIS is updating its guidance about two evidentiary criteria relating to immigrants of extraordinary ability and one relating to outstanding professors and researchers to more closely align with recently issued nonimmigrant guidance pertaining to O-1A nonimmigrants of extraordinary ability.<sup>2</sup>

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

- Clarifies that for the extraordinary ability and outstanding professor or researcher classifications, “published material” about the person (or the person’s work in the case of an outstanding professor or researcher) in professional or major trade publications or other major media need not be a printed article; rather, a petitioner may submit more varied forms of evidence including a transcript of audio or video coverage.

---

<sup>1</sup> See [INA 203\(b\)\(1\)\(A\)-\(B\)](#). See [8 CFR 204.5\(h\)-\(i\)](#).

<sup>2</sup> On January 21, 2022, USCIS provided guidance regarding evaluation of evidence submitted in support of nonimmigrant O-1A petitions for beneficiaries in sciences, education, business, or athletics, including examples and considerations that may be especially relevant for persons in STEM fields. See [O-1 Nonimmigrant Status for Persons of Extraordinary Ability or Achievement](#), PA-2022-03, issued January 21, 2022.

- Clarifies that, in the extraordinary ability classification, a person may satisfy the leading or critical role criterion through a qualifying role for a distinguished department or division in addition to an entire organization or establishment.

### **Summary of Changes**

Affected Section: Volume 6 > Part F

Chapter 2 > Appendix: Extraordinary Ability Petitions – First Step of Reviewing Evidence

- Revises the second column in the third row relating to published material about the person.
- Revises the second column in the eighth row relating to leading or critical role.

Chapter 3 > Appendix: Outstanding Professor or Researcher Petitions – First Step of Reviewing Evidence

- Revises the second column in the third row relating to published material about the beneficiary's work.

### **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](#)].