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Immigration Magazine

## New USCIS Policy in Adjudicating Extraordinary Ability, Exceptional Ability, National Interest Waiver, and Outstanding Professors or Researchers Green Card Cases

Tiyalaw · Tuesday, February 15th, 2011

New USCIS Policy in Adjudicating Extraordinary Ability, Exceptional Ability, National Interest Waiver, and Outstanding Professors or Researchers Green Card Cases:

Recently, the U.S. Citizenship and Immigration Services (USCIS) issued a Policy Memorandum (PM or immigration Policy Memo) regarding the analysis that USCIS officers should use when evaluating evidence in adjudicating the I-140, Petition for Immigrant Worker (one of the steps for certain green card cases) for foreign nationals who are of extraordinary ability, exceptional ability or national interest waiver, and outstanding professors or researchers.

USCIS officers may no longer unilaterally impose novel substantive or evidentiary requirements beyond those stipulated in the regulations.

The USCIS immigration Policy Memo directs the USCIS officers to first objectively evaluate each type of evidence submitted to determine if it meets the parameters applicable to that type of evidence described in the regulations (known as the "regulatory criteria").  USCIS officers should then consider all of the evidence in totality in making the final merits determination.

Before this USCIS immigration Policy Memo becoming effective recently, the practice of USCIS officers in adjudicating these green card cases was to evaluate the evidence at the beginning stage of the adjudicative process, with each type of evidence being evaluated individually to determine whether the self-petitioner met the green card criteria (such as whether the foreign national qualifies for self-petition green card based on extraordinary ability).

This USCIS immigration Policy Memo is a mere guidance to USCIS officers in evaluating evidence in adjudicating the above types of green card cases, and cannot be relied upon to create any right or benefit in any other form or manner.  This USCIS immigration Policy Memo does not confer a right to immigration benefits.

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This entry was posted on Tuesday, February 15th, 2011 at 8:41 am and is filed under Green Card, Green Card via Work, Immigration News
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