

COMPARISON OF EMPLOYMENT BASED STRATEGIES

Type of Filing	Time to Accomplish	Level of Effort (client)	Level of Effort (employers/ friends/ relatives)	Predictability of Outcome	Cost	Mobility	Self-Petition Available?	Prevailing Wage a Factor?	Employer Ability to Pay a Factor	Burden of Proof
EBP-1 EXTRA-ORDINARY ABILITY	Evidence outline; elicit evidence; assembly and draft; pending at CIS RFE?	High level of involvement in soliciting witnesses and gathering evidence	High degree of involvement	Low – involves judgment by CIS	Law silent on who pays; driven by generating and formatting evidence	Not tied to specific employer	Y	N	N	Defined as small percentage at top; international acclaim, at least 3 evidence categories
EBP-1 RESEARCHERS AND PROFESSORS	Assembly and drafting - 3 months; pending at CIS – 3 to 6 months; RFE?	High level of involvement in soliciting witnesses and gathering evidence	High degree of involvement	Low – involves judgment by CIS	Law silent on who pays; driven by generating and formatting evidence	Tied to Petitioner until AOS on file 6 months (AC-21 portability available thereafter)	N	N	N (if University); Y (if private employer)	Tenure track/ permanent offer; 3 years research/ teaching experience international recognition; at least 2 evidence categories
BASIC PERM	Establish concept / case plan; recruitment screening; assemble audit file; pending at DOL	Low	High (Employer)	High – success is compliance based; not judgment based	Statute/Regs require employer to bear costs	Tied to Petitioner until AOS on file 6 months (AC-21 portability available thereafter)	N	Y	N (if University); Y (if private employer)	No minimally qualified, able, available and willing worker
ACADEMIC PERM (SPECIAL HANDLING)	Assemble usable recruitment or generate new	Low	Low (if recruitment already accomplished); High (if recruitment not yet accomplished)	High – success is compliance based; not judgment based	Statute/Regs require employer to bear costs	Tied to Petitioner until AOS on file 6 months (AC-21 portability available thereafter)	N	Y	N (if University); Y (if private employer)	Competitive recruitment from which candidate. selected as best (high degree of manipulation possible); must include classroom teaching (clinical does not count)
LABOR CERTIFICATION (SCHEDULE A GROUP II)	2-3 Res/Profs	High level of involvement in soliciting witnesses and gathering evidence	High degree of involvement	Low involves judgment by CIS	Law silent on who pays; driven by generating and formatting evidence	Tied to Petitioner until AOS on file 6 months (AC-21 portability available thereafter)	N	Y	N (if University); Y (if private employer)	International acclaim; exceptional ability; 2 evidence categories
NATIONAL INTEREST WAIVER	Evidence outline; elicit evidence; assembly and draft; pending at CIS RFE?	High level of involvement in soliciting witnesses and gathering evidence	High degree of involvement	Low involves judgment by CIS	Law silent on who pays; driven by generating and formatting evidence	Not tied to specific employer	Y	N	N	Field of substantially intrinsic merit; national in scope; interest of government outweighs interest in protecting U.S. labor force

