

## **Understand your chances**

To be honest, initially estimating your chances is probably the most complicated part. In reality, the only factor that will determine the outcome of this endeavor is your desire. Yes, you've read that correctly — it is not as much about your credentials as it is about your burning desire to get the end result. Here is an example to demonstrate my point: Let's imagine that you are a locally known visual artist with more than six years' experience living in Greece, who received a master's degree in fine art from one of the prominent universities there. You've got several publications about your art in nationally known professional magazines and had numerous exhibitions, many of which took place in your home country. You had some shows in neighboring countries as well, but that's about all concerning your national and international fame. One person might think, well I can't say that I actually have "sustained national or international acclaim".

But does it mean that you cannot put in the effort to make this statement a reality? The simple answer is that it all depends on your creativity. If you have enough time for your further development and a burning desire to achieve your dream then you will definitely make it. You can use your time smartly and put all the effort in in order to achieve every single criterion possible. Just take your time, set up certain goals based on the requirements, and reach them all step by step.

On our journey we've seen several examples of people who were completely unprepared to submit their petition back then, people who were ready to prove just one solid criterion out of ten. However, despite the lack of achievements, they had a high level of self-confidence, desire to work and grow, and willingness to get EB-1. Using the list of criteria as direct goals, in just two to three years those people gained real international acclaim and became not only well-known masters in the industry but met almost all the criteria, including a high salary, by the time they submitted their applications.

It's a great example of how a person can grow in a certain amount of time if they have certain goals and a manageable plan to achieve them.

In other words, if you want it, you can make it! Just be creative, smart, and persistent!

Now let's determine the level of your qualification. Please stay positive; keep in mind you are the best but be reasonable! Good luck!

**Part 1.** First, take a look at ten criteria listed below. You need to provide solid evidence for at least three of them.

*1. Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;*

*2. Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields;*

*3. Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation;*

*4. Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought;*

*5. Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;*

*6. Evidence of the alien's authorship of scholarly articles in the field, in professional or major trade publications or other major media;*

*7. Evidence of the display of the alien's work in the field at artistic exhibitions or showcases;*

*8. Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation;*

*9. Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field; or*

*10. Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.*

a) Examine each criterion, keeping in mind not only what you already have and what additional information you can gather but whether there is something else you can achieve to make your case stronger in the timeframe you set for yourself. Now create three columns and put all the information there. Fill the left column with ten criteria (you can also add another significant achievement that is not listed among those ten). Fill the second column with all the evidence you might potentially use for each criterion. Fill the third column with possible achievements (becoming a member of an organization that requires outstanding achievements of their members? — Totally possible). Do not limit yourself; write literally anything you have in mind, remember your past achievements. There are definitely some achievements you have forgotten about. Success is in the details. You will see later that even an art award you got in a school competition can become important evidence at some point.

To give you an understanding why it is important, imagine two applicants have filed their petitions. One of them has only three criteria proven with no other explanations, achievements, or other information. On the other side, the second person also has three criteria. However, he or she was more creative and provided additional information of their successes from the moment they were born. That person won every competition, participated in every creative and humanitarian activity, was the top of his/her peers during their whole life. Yes, technically irrelevant information and doesn't prove any of the criteria, but never forget that this petition is not simply a bureaucratic document but a story of your life. It should be bold, simple, and spiced with a personal touch. Keep in mind, you submit it not to a machine that checks off the necessary points but a real person who has feelings as well as an understanding of a successful individual's life.

b) When estimating your chances, please look at the potential evidence with an open mind. If you don't have enough documents to prove a criterion, think of some other evidence you can get to make it stronger.

Here is the list of questions to ask yourself that will help you on your journey:

- Can you get a letter from someone to support a certain claim?
- Have you ever performed as a curator? — Was that experience professional enough to be considered as “judging the work of others”?

Or are you going to curate an art exhibition in the near future, and will there be some prominent artists among the participants?

- If you don't have any recent publications, try to get some. Maybe you are going to have an exhibition soon, or have some other news to share with the art world. There are always journalists who are constantly looking out for exciting news to share with the art world.
- Going to have a show in a prominent gallery, museum, or arts center? Use invitation letters, flyers, and emails to prove your plans.
- If you don't have any awards yet — apply! Research what awards fit in with your timeframe and satisfy the criteria.
- Did you have any collaborations with world renowned companies? Or maybe some celebrity has your work in his/her private collection?
- Is your art experimental? Do you use some unique technique or unconventional materials in your body of work?
- Have you established a distinctive style?
- Think about how you are different in what you do generally. Do you have a unique message or goal that your art addresses?

c) Are three criteria enough?

Well, it depends on what criteria you are claiming and how strong your evidence is. It is a very individual case, and no one can give you a definitive answer without thoroughly examining your credentials.

Here is an example: Let's imagine an applicant who claims participation in exhibitions, has published materials about them in the media, and has a higher than average salary. In which the exhibition venues are mediocre, all the published materials appeared in small local newspapers and the salary was just 10% higher than average in the region. Most likely, it will be very difficult to get an approval for such a case. There are a bunch of cases on the internet that were denied despite the three criteria being technically satisfied. Keep in mind that the main idea behind this petition is to prove that you are one of that small percentage of people who has risen to the very top in your field. All working artists have shown their pieces in art exhibitions and got some published material about their work — — it is simply a part of the profession and does not prove their extraordinary abilities. Meanwhile if you had an exhibition in the Guggenheim Museum, got published in NY Times, and your paintings regularly sold for several thousands of dollars each, then three criteria are more than enough. With that being said, satisfying three criteria is only a part of the success; an applicant

needs to convince the examiner that he or she is not simply a successful artist but an individual who went far beyond the median professional level in the given field.

The stronger your claims for the criteria the better.

Tip: Keep in mind that it is better to have three solid criteria than three solid and three weak ones. Those weak criteria usually sink an applicant down since they can easily become the main reason for RFE due to the impression that an applicant is not a prominent artist but an average artist trying to squeeze in any possible information to get an approval.

### **Sum it up**

After you have filled all three columns, I would urge you not to proceed any further for today. Put this list away for a day or two to digest the information and see if you can remember anything else that you can add.

**Part 2.** In the second part of the cover letter you need to convince an officer that once you are in the United States you will continue working in your field of expertise.

The United States of America is considered one of the greatest countries in the world for a reason. Residents are aware of the power of thought and a clear vision. Every greatest achievement of mankind started with a vision. Those who don't have a clear vision of the desirable outcome rarely succeed. It is one of the main reasons each student should write an essay to get into college. For the same reason, USCIS requires petitioners to write a statement summarizing their future plans in the USA. It might seem like an easy part, but if a petitioner hasn't reached the claimed level, it will be clearly evident from the statement they provide.

Analyzing some denied cases, we would like to share an interesting example. In one of the statements an applicant mentioned that the reason he decided to move to the United States is that he got really bored working in his home country "there isn't anything interesting here" as well as stating that "HOPEFULLY" he will find a job in the US quickly as he has great skills. He also used some phrases like "I think I could benefit...", "I would try to apply my skills..." that clearly betray a lack of self-confidence and uncertainty. After reading this statement you get a strong feeling that this person has no clue about their future path.

Please remember, as a person with extraordinary abilities, you should sound confident, and be bold about what you are planning to do once you are in the US.

As we discussed earlier, a job offer isn't required to qualify. However, any prearranged plans or letters of intent will make your petition much stronger! Find a way to arrange some exhibitions in the USA, talk to gallery owners, apply for calls for artists. Connections and networking matters.

## **Analyze your chances**

Now it is time to look at your evidence and understand how suitable it is for an EB-1A case.

When you examine each criterion ask yourself the following question: Does the evidence I provide to support my claim characterize me as someone who advanced further than an average artist? If the answer is yes, then it is good to go. Or try this one: Would Andy Warhol use this as evidence of his international success? You need to understand that if you are on the same professional level you claim (or at least on the way to that), every single piece of evidence should reflect it.

**Example 1:** You landed an interview in a national newspaper that has wide distribution in your country but you are still hesitant. Ask yourself, is it possible for an average artist to get interviewed by this newspaper? If your answer is "NO", then most likely this evidence will be strong enough.

**Example 2:** You are a member of a respectful professional organization. However, if any single professional in your field can become a member by submitting an easy application, most likely the evidence is pretty weak. The basis for the membership should clearly demonstrate your outstanding achievements. At least there should be a portfolio review by prominent representatives of your profession. Also, the criteria for membership should be clearly written.

Again, be creative and realistic at the same time — if you feel that you are a part of the organization with a highly competitive selection process, but for some reason criteria and rules are not written anywhere, improvise — ask the head of the organization for a letter describing minimum requirements for membership. Also, if the organization you are a part of has an honorary membership option that requires a high level of achievement from their members or significant contribution to the field. Are you qualified to become one?

Now, when you have sorted out all the evidence that will not make your case stronger, it is time to review your evidence in the same way USCIS will after you satisfy at least three criteria. That doesn't mean that you can't use the evidence didn't make the grade. You certainly can list all of your group and small exhibitions, but don't rely on them as the main evidence.

For now, our main goal is to review your eligibility. Keep in mind that the next step is to consider your petition holistically in order to determine if you qualify as an Alien of Extraordinary Ability.

In order to help, there are two major points USCIS are looking for:

- You have sustained national or international acclaim and your accomplishments have been recognized in the associated field.  
(Note that this acclaim has to be current at the moment of filing the EB-1A petition. An alien who was extremely successful in the past but currently isn't able to demonstrate a comparable level of achievement will most likely have difficulties while passing second-tier analysis).  
However, don't be intimidated by this statement. Having national acclaim is also ok, but it is certainly not as powerful as an international one. In order to confirm the international acclaim, you need at least a couple of recommendation letters from prominent figures in your industry outside of your home country, several publications in major media, and some international exhibitions.
- A high level of expertise. This indicates that you are among a small percentage of people who have risen to the very top of the relevant field.  
What does that mean for an artist? Do you have a unique expertise or innovative technique that you use in making art? Have you achieved more than others for your young age? Have you done something that others haven't? Have you served as a part of any commission that assesses other prominent artists in your field? Have you ever worked on any important government projects? Have you ever been invited to an important event, or anywhere else, based on your outstanding skills and talent?

Summarize all the discussed evidence to understand whether you feel qualified for getting the visa as a person with extraordinary abilities?

By the time you accomplish this step, most likely you will determine at least three solid criteria to satisfy the first requirement — a confirmation of your sustained national or international acclaim and the possession of a high level of expertise in your field.

Once you get a clear understanding of the petition you are about to create and submit, we will dive even deeper in order to examine the future steps in depth.

You are awesome!