A PRACTICAL PRIMER

Tips for filing EB-1A, NIW and O-1 *petitions*

Ten habits that make a petition easy for an officer to follow, from the first page to the exhibit index.

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START HERE

Know which standard you are proving

EB-1A

Green card · first preference

One major international award, or 3 of 10 criteria. Then a final merits review of sustained acclaim, and evidence you will continue the work here.

8 C.F.R. 204.5(h)(3)-(5); 6 USCIS-PM F.2(B)

NIW

Green card · second preference

An advanced degree or exceptional ability first. Then three prongs: merit and national importance, well positioned, and a waiver that benefits the United States.

Matter of Dhanasar, 26 I&N Dec. 884, 889 (AAO 2016)

O-1A

Temporary work visa

One major international award, or 3 of 8 criteria, showing sustained acclaim. File the contract or its terms, an itinerary and a written advisory opinion.

8 C.F.R. 214.2(o)(2)(ii), (o)(3)(iii)

Where the criteria do not readily apply to the occupation, EB-1A and O-1A allow comparable evidence (8 C.F.R. 204.5(h)(4); 214.2(o)(3)(iii)(C)). O-1B, for the arts, has its own criteria.

TIP 1 · OPEN WITH A MAP

Put the whole claim on the first pages

Criterion	Core evidence	Key exhibits
(iv) Judging	90 peer reviews for the field’s leading conference and journal	21, 22, 23
(v) Original contributions	Three contributions, one adopted by 5,050 bakeries	2, 4, 6, 16-20, 29
(vi) Scholarly articles	14 peer-reviewed articles; 3,141 citations	24, 25, 26
(viii) Critical role	Leads a 64-person division at a distinguished employer	1, 4, 10, 27, 30

Adapt it

For an NIW, map the three prongs. For an O-1A, map the criteria and list the contract, itinerary and advisory opinion.

Rows from a fictional sample EB-1A petition. A summary table up front shows the officer what is claimed and where the proof is.

TIP 2 · THREE QUESTIONS

Make every exhibit answer three questions

01

What is this?

Name the document, who made it and when.

02

Why was it submitted?

State the fact it proves, in one sentence.

03

What criterion is it for?

Name the criterion in the letter and again in the exhibit index.

Answer all three in the letter before the officer opens the exhibit.

TIP 3 · EXPLAIN THE EVIDENCE

Explain what each exhibit proves

“[T]he petitioner must explain the significance of the submitted evidence.”

6 USCIS Policy Manual F.2(B)(2)

The decision rests on the record

The officer decides only on what was filed. 8 C.F.R. 103.2(b)(16)(ii).

Argument is not evidence

A lawyer’s statements in the letter do not prove facts. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988).

Each exhibit is weighed

Relevance, probative value and credibility, under a preponderance standard. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010).

The EB-1A chapter says it outright. The NIW and O-1 chapters ask for the same explanation (6 USCIS-PM F.5; 2 USCIS-PM M.4).

TIP 4 · THE EXHIBIT INDEX

Put the criterion in the index, not just the letter

Ex.	Description	Criterion
1	Employment verification, Blackacre Bread Works	(viii) Critical role
16	CrustNet repository and outside-use statistics	(v) Contributions
21	ICCB program committee and area chair records	(iv) Judging
25	Citation report	(vi) Articles
29	Starter Whisperer deployment and loss reports	(v) Contributions

Why it matters

An officer who opens Exhibit 29 cold should see what it proves and where it counts, without paging back to the letter. For an NIW, label each exhibit by prong.

Entries from a fictional sample EB-1A petition. Tie each exhibit to its criterion in both the letter and the index.

TIP 5 · FIGURE CAPTIONS

Write captions that state the point and the exhibit

TITLE ONLY

“Figure 1. Peer review of others’ work, by year.”

POINT PLUS PROOF

“Figure 1. Her peer reviews rose every year, from 8 in 2022 to 27 in the first nine months of 2026. Exhibits 21, 22.”

An officer flipping back through the record should get the takeaway and the source from the caption alone.

Captions from a fictional sample EB-1A petition, before and after revision.

TIP 6 · CORROBORATION

Lead with the record. Let the letter explain it.

1

The claim

Failed loaves fell 87 percent in the first year.

2

The record

Deployment and loss reports kept before the petition. Exhibit 29.

3

The letter

Her supervisor explains what the numbers mean. Exhibit 10.

Officers may give lesser weight to expert opinions that conflict with the record or are questionable.

1 USCIS-PM E.6(D)(3); *Matter of Caron Int'l*, 19 I&N Dec. 791, 795 (Comm'r 1988). Example from a fictional sample EB-1A petition.

TIP 7 · METRICS

Explain every number in plain English

The number	What it counts	What it shows
42,000 repository stars	Bookmarks users place on a public code page	Interest in the work
1,234 outside bakeries	Organizations outside the employer that run the model	Use by the field
h-index of 12	12 of her articles, each cited at least 12 times	Steady citation, not one hit

Give each figure one line on how it was counted and where it came from.

6 USCIS-PM F.2, n.44 (a petitioner relying on citation metrics should explain their methodology and significance). Figures from a fictional sample petition.

TIP 8 · EVIDENCE FORMATS

Avoid three formats the AAO has discounted

A link instead of the evidence

The AAO said it had no obligation to look up a URL. File the full printout with the address and capture date.

AAO, APR112023_02B2203

A machine translation

Google and ChatGPT translations with no certifying translator did not meet the translation rule.

AAO, JAN082025_01B2203; 8 C.F.R. 103.2(b)(3)

Saving it for appeal

Evidence first offered on appeal may not be considered when the petitioner had notice and a chance to file it.

Matter of Soriano, 19 I&N Dec. 764, 766 (BIA 1988)

The AAO decisions cited are non-precedent. They show how the AAO reads files and bind no one.

TIP 9 · SUSTAINED ACCLAIM (EB-1A, O-1A)

Show the timeline again where you argue acclaim



2019
First contribution released

2020
A quiet year, explained in the letter

2022
Begins judging others' work

2024
The field adopts her standard

2026
Most recent recognition

By the final merits section the officer is deep in the record. A second timeline refreshes it, and it lets the letter explain a quiet year before the officer has to ask.

6 USCIS-PM F.2(A)(1): no set time frame for sustained acclaim. Timeline from a fictional sample petition.

TIP 10 · BY CLASSIFICATION

Tailor the petition to the classification

EB-1A

Argue the final merits

Meeting three criteria starts the analysis. Show sustained acclaim across the whole record, and file clear evidence you will continue the work here.

6 USCIS-PM F.2(B); 8 C.F.R. 204.5(h)(5)

NIW

Define the endeavor

Describe the proposed endeavor in a straightforward manner, more specific than the occupation, and explain how past achievements relate to it.

6 USCIS-PM F.5

O-1A

Give context, file the package

The petitioner carries the burden of giving context for the evidence. File the contract or its terms, the itinerary and the advisory opinion with the petition.

2 USCIS-PM M.4; 8 C.F.R. 214.2(o)(2)(ii)

The first nine tips apply to all three. These are the points each classification adds.

BEFORE YOU FILE

An eight-point read-through

- The petition opens with a map of the claim
- The index names a criterion or prong for every exhibit
- Records are cited before letters
- Printouts, not links; certified translations, not machine output
- Every exhibit answers the three questions
- Every caption states its point and its exhibit
- Every number says how it was counted
- The classification’s own items are in the filing

Read the petition once as the officer would: start at the index, open any exhibit cold, and check that it explains itself.

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Questions about a petition?

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