



EXTRAORDINARY
TALENT AND SELF-
PETITIONS

EXCEPTIONAL TALENT.
EXTRAORDINARY ABILITIES.



I.S. LAW FIRM, PLLC

LAW OFFICES OF ISMAIL T. SHAHTAKHTINSKI

WHITEPAPER

EXTRAORDINARY TALENT & SELF-PETITIONS

The Evidence Architecture Blueprint;
How IS Law Firm Builds the Evidentiary
Foundation for EB-1A and NIW Cases



EXTRAORDINARY
Talent and Self-
Petitions



EXTRAORDINARY
Talent and Self-
Petitions



I.S. Law Firm, PLLC
Law Offices of Ismail T. Shahtakhtinski

**“Evidence
is not collected.
It is constructed.”**



EXTRAORDINARY
Talent and Self-
Petitions
EXCEPTIONAL TALENT.
EXTRAORDINARY ABILITIES.



I.S. Law Firm, PLLC
Law Offices of Ismail T. Shahtakhtinski

Executive Summary

Extraordinary ability petitions fail for one primary reason; not because the petitioner lacks genuine ability, but because the petition never translates that ability into terms a USCIS adjudicator can act on. The adjudicator reviewing an EB-1A case has no background in the petitioner's professional field. They cannot independently assess whether a Nature publication outranks a regional journal, whether an h-index reflects exceptional standing or merely average productivity, whether a James Beard nomination carries more weight than a regional culinary award, or whether a researcher's methodological contributions fundamentally changed how an entire industry approaches a class of problems. None of that knowledge is assumed. Every piece of it must be in the petition.

This whitepaper sets out IS Law Firm's Evidence Architecture Methodology in practical detail. It explains how the firm's 10-criterion EB-1A evidence matrix is applied across fields and professional backgrounds, how NIW frameworks are structured for specific professional domains, and why an evidence architecture approach is designed to produce stronger, more thoroughly documented filings than the evidence-collection model that remains standard at most immigration firms.

1

SECTION

The Evidence Collection Failure Mode

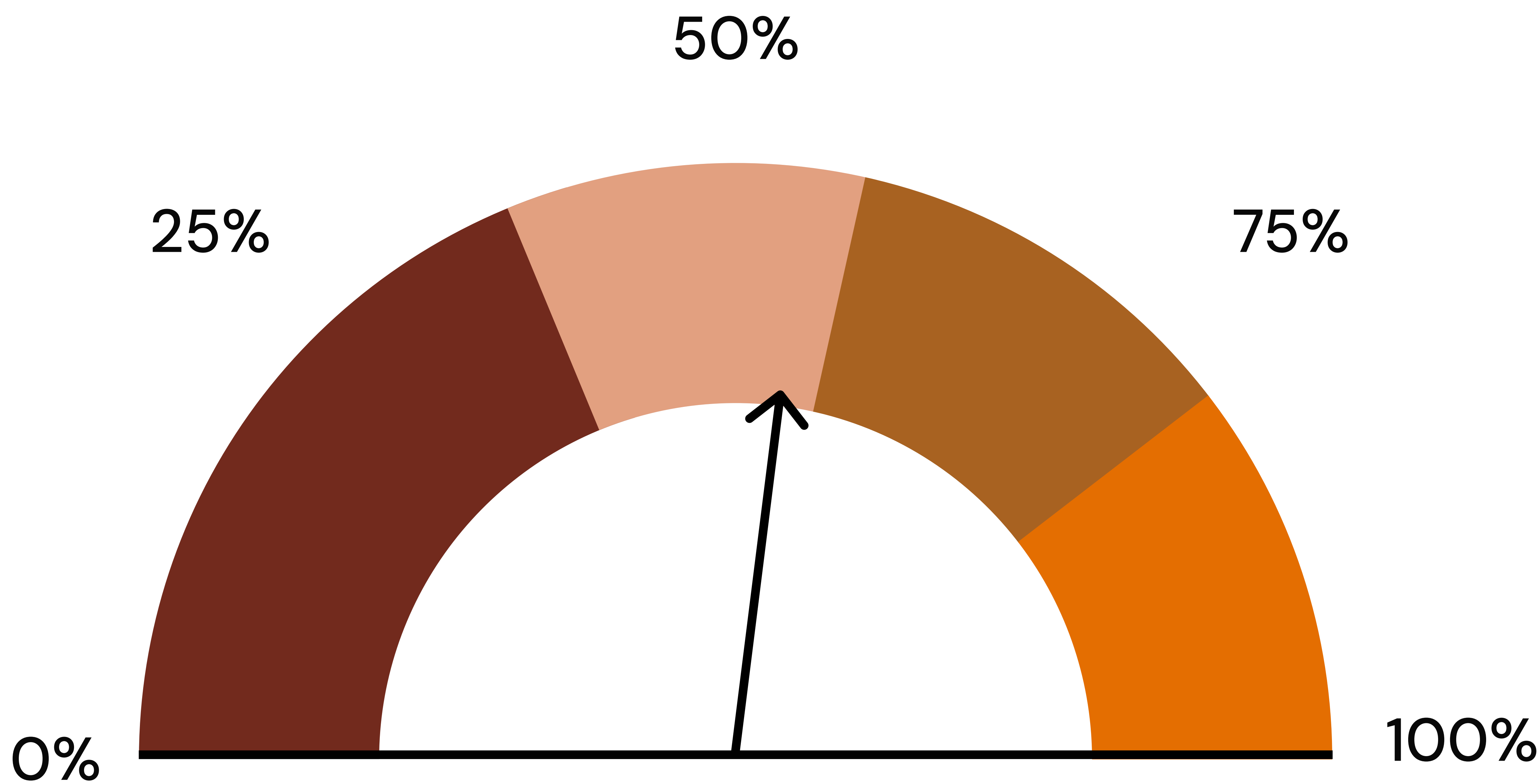
1.1 Why Most Self-Petition Cases Fail

The standard approach at too many immigration firms is what I call evidence collection. The attorney sends a checklist: pull your publications or portfolio, your citation counts or sales figures, your awards, whatever press coverage exists, and letters from colleagues familiar with your work. The petitioner assembles whatever is available. The attorney files it. What arrives at USCIS is a credential inventory – often an impressive one – that never makes the legal argument. Individual accomplishments appear on the page without context, without field-level comparison, and without the analytical narrative that explains to a reviewer unfamiliar with the field why any of it satisfies the regulatory threshold for extraordinary ability.

The USCIS data reflects the consequence. The NIW approval rate fell to 54% in Q3 2025; a multi-year low driven by both tighter adjudication standards and a rising volume of under-prepared petitions entering the system. Nearly half of all NIW petitions were denied that quarter, and among petitioners who received Requests for Evidence, resubmission success rates are lower still. Petition quality and argument construction have never mattered more.



NIW Petition Approval Rate – Q3 FY2025



54%

NIW Approval Rate

Q3 FY2025 – a multi-year low



Strong (80–100%)



Moderate (60–80%)



At Risk (40–60%)



Critical (0–40%)

1.2 The Adjudicator's Perspective

Understanding why evidence collection fails requires understanding how USCIS adjudicators approach a file. The adjudicator is not an expert in the petitioner's field. They are a legal reviewer applying a regulatory standard to the evidence presented. They cannot assess whether a publication in Nature carries more weight than one in a regional journal, or whether a regional award is comparable to a national one.

They cannot evaluate whether a citation count of 3,000 reflects extraordinary standing relative to the field. They cannot determine, on their own, whether a researcher's methodological work or an entrepreneur's product innovation fundamentally changed how practitioners in that field approach a class of problems.

Everything the adjudicator needs to reach that determination must be in the petition. If the petition does not explain why a journal is prestigious, the adjudicator cannot assume it.

If the petition does not provide field-comparative citation data, the adjudicator cannot supply it. If the petition does not include credentialed expert testimony about the significance of the contribution, there is no basis on which to find extraordinary impact.

The adjudicator is not a peer reviewer. They are a legal reviewer. The petition must contain everything they need to approve the case; because they will not go looking for it.



SECTION

IS Law Firm’s 10–Criterion Evidence Matrix

IS Law Firm – Evidence Architecture Methodology

Phase 1
Evidence Inventory

Map all 10 criteria against petitioner record

Phase 2
Gap Analysis & Remediation

Identify missing docs; build roadmap

Phase 3
Expert Letter Architecture

Select & brief credentialed experts

Phase 4
Petition Brief Drafting

Legal narrative + criterion argument

Phase 5
Filing & PRE Prevention

Pre-empt PRE triggers before submission

2.1 Phase One: Evidence Inventory Across All Ten Criteria

IS Law Firm begins every EB-1A engagement by mapping the petitioner's complete professional and creative record against all ten regulatory criteria under 8 C.F.R. § 204.5(h)(3); not merely the three or four that appear most obvious at first glance.

This comprehensive mapping regularly surfaces criterion satisfaction the petitioner had not considered and that evidence-collection firms routinely overlook.

Criterion	Representative Evidence Sources	Common Gaps
Awards 8 C.F.R. § 204.5(h)(3)(i)	NSF CAREER Awards, NIH grants, professional society honors, best paper awards, fellowships, industry excellence awards, James Beard or comparable field-specific honors, championship titles	Fellowship criteria not analyzed for selectivity; award scope and competitive field not documented
Membership 8 C.F.R. § 204.5(h)(3)(ii)	IEEE senior member, editorial board service, NIH study section participation, selective academic societies, invitation-only industry guilds, professional athletic or artistic associations requiring outstanding achievement	Membership criteria not examined to establish achievement-based selection standard
Press Coverage 8 C.F.R. § 204.5(h)(3)(iii)	University press releases, trade publications, science journalists, news coverage of research findings, business and industry press, arts and culture coverage, sports media	Only field-specific coverage considered; general business, lifestyle, and mainstream media overlooked
Judging 8 C.F.R. § 204.5(h)(3)(iv)	Peer review history (Publons/Web of Science), dissertation committees, grant panel service, conference program committees, competition or awards judging, hiring or promotion committee service	Peer review volume not documented; editorial service not presented as judging criterion
Original Contributions 8 C.F.R. § 204.5(h)(3)(v)	High-impact publications, novel methodologies, patent applications, field-defining datasets, signature creative works, proprietary business innovations, record-setting performances	Contribution significance not argued; impact not differentiated from routine publication or work product
Scholarly Articles / Published Work 8 C.F.R. § 204.5(h)(3)(vi)	Complete publication list with impact factors, citation counts, h-index analysis; or, where not applicable, a comparable body of published or produced work with reach and significance data	Raw citation count presented without field-comparative benchmark; journal or publication quality not demonstrated
Artistic Exhibitions & Showcases 8 C.F.R. § 204.5(h)(3)(vii)	Display of work at juried exhibitions, gallery shows, museum installations, film festival screenings, fashion shows, or performances at prestigious venues (applicable to artistic fields)	Criterion omitted for non-STEM petitioners; venue prestige and curatorial selection criteria not documented
Critical Role 8 C.F.R. § 204.5(h)(3)(viii)	PI status, core facility directorship, key engineering role in a major system, founding team membership, lead role on a flagship business initiative, principal performer or creative lead on a major production	Role significance not distinguished from ordinary employment; institution's distinguished reputation not established
High Remuneration 8 C.F.R. § 204.5(h)(3)(ix)	Salary compared to BLS occupational data, industry compensation benchmarks, institutional peer data	Salary not benchmarked against comparable roles or industry norms; differential not quantified
Commercial Success in Performing Arts 8 C.F.R. § 204.5(h)(3)(x)	Box office receipts, record or album sales, streaming figures, commercial licensing revenue, ticket sales data for touring artists	Criterion overlooked for performing artists; commercial metrics not compiled or contextualized against field benchmarks

2.2 Phase Two: Gap Analysis and Remediation Planning

The gap analysis quantifies the distance between the petitioner's current evidence record and a compelling EB-1A filing. For each criterion the petitioner is close to satisfying, the gap analysis produces a specific remediation plan: what additional documentation is needed, what timeframe is realistic for developing it, and whether any deliberate evidence-building activity – additional judging or peer review service, a specific award nomination, expanded media presence – should precede the filing date.

For petitioners who are not yet ready to file – typically those within the first two to three years of their professional trajectory, whether in research, industry, or another field – the gap analysis becomes a Profile Building roadmap: a structured 12-to-24-month plan for developing the credentials that will make the eventual petition compelling. IS Law Firm's profile building work is not about manufacturing credentials. It is about ensuring that genuine achievements are documented, presented, and recognized in the formats that USCIS has historically found persuasive.

3

SECTION

Expert Opinion Letter Architecture

3.1 The Role of Expert Letters in EB-1A and NIW Cases

Expert opinion letters are the single most consequential element of a well-constructed self-petition. They serve as the mechanism through which the significance of the petitioner's contributions is translated from the language of professional or academic accomplishment into the language of legal evidence. A properly constructed expert letter does not simply endorse the petitioner; it provides the adjudicator with the expert's credentialed assessment of why the petitioner's work satisfies specific regulatory criteria.

IS Law Firm constructs expert letters through a structured development process that begins with identifying the right experts – scholars and practitioners whose own credentials establish their authority to evaluate work in the petitioner's field – and proceeds through a detailed briefing process that ensures each letter addresses the specific legal standards the adjudicator will apply.

3.2 Letter Architecture by Criterion

Letter Type	Expert Profile Required	Legal Standards Addressed
Original Contribution Letter	Senior scholar in petitioner's specific subfield; publication record demonstrating field authority	8 C.F.R. § 204.5(h)(3)(v): Original contributions of major significance
Critical Role Letter	Director, dean, or technical lead with direct knowledge of petitioner's institutional role	8 C.F.R. § 204.5(h)(3)(viii): Critical or essential role at a distinguished organization
NIW Prong 2 Letter	National expert in petitioner's field; federal agency affiliation preferred where applicable	Matter of Dhanasar, Prong 2: Petitioner well-positioned to advance the proposed endeavor
Award Significance Letter	Past recipient of same award or member of the awarding body	8 C.F.R. § 204.5(h)(3)(i): Nationally or internationally recognized prize or award
Field Impact Letter	Highly cited independent scholar in petitioner's field; no prior affiliation with petitioner's institution	Overall extraordinary ability standard: sustained national or international acclaim

4

SECTION

Legal Argument Architecture; The Petition Brief

4.1 Structure of a Compelling Petition Brief

The petition brief is the legal document that connects all assembled evidence to the applicable standard. IS Law Firm's petition briefs follow a structured architecture that anticipates likely adjudicator questions, preemptively addresses potential RFE issues, and presents the petitioner's case as a coherent narrative of extraordinary achievement rather than a disconnected exhibit list.

The brief opens with an Executive Overview that establishes the petitioner's field, the significance of their contributions, and the specific pathways through which they satisfy the applicable legal standard. It then proceeds criterion by criterion – or prong by prong for NIW cases – presenting the evidence for each criterion with specific regulatory citation, supporting documentation references, and expert opinion summary.

The brief concludes with a Final Merit Determination argument: the overarching case that, even if any individual criterion is evaluated skeptically, the totality of the evidence demonstrates extraordinary ability or national interest waiver eligibility under the preponderance-of-the-evidence standard. This concluding argument is the most frequently omitted element in evidence-collection firm petitions and the most frequently cited deficiency in RFE responses.

Two legal frameworks govern this analysis:

Kazarian v. USCIS, 596 F.3d 1115 (9th Cir. 2010): The Ninth Circuit's decision established the two-step adjudication process for EB-1A petitions; first confirming that evidence satisfies the plain-language criteria, then conducting a final merits determination on the totality of the record.

USCIS codified this framework in its December 2010 policy memorandum and subsequently in the USCIS Policy Manual, Volume 6, Part F.

EB-1A Adjudication: Kazarian Two-Step Framework

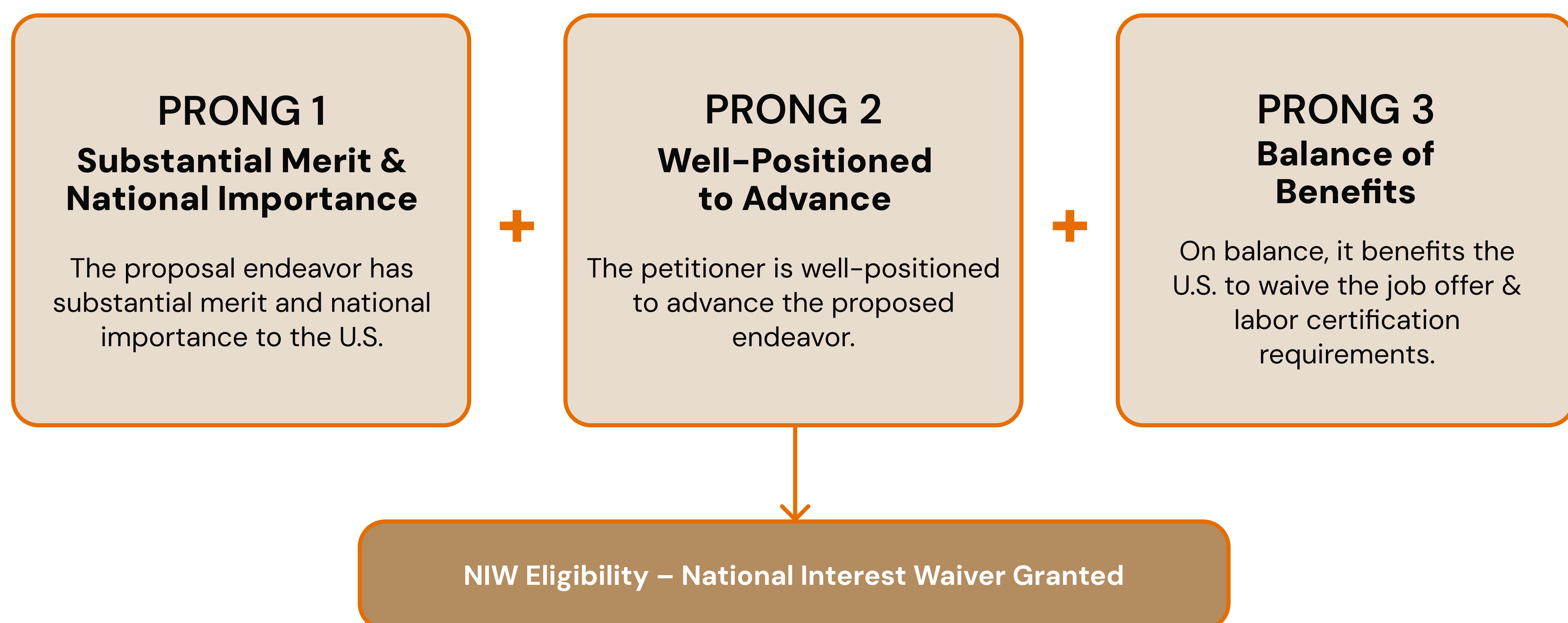


Kazarian v. USCIS, 596 F.3d 1115 (9th Cir. 2010) – codified in USCIS Policy Manual Vol. 6, Part F

Matter of **Dhanasar**, 26 I&N Dec. 884 (AAO 2016): This precedent decision – issued by the Administrative Appeals Office on December 27, 2016 – replaced the longstanding NYSDOT framework and established the three-prong test governing all NIW petitions:

(1) the proposed endeavor has substantial merit and national importance; (2) the petitioner is well-positioned to advance the proposed endeavor; and (3) on balance, it would benefit the United States to waive the job offer and labor certification requirements.

NIW Adjudication: Dhanasar Three-Prong Test



An EB-1A petition without a Final Merit Determination argument is a credential inventory, not a legal argument. Under Kazarian, USCIS requires both.

5

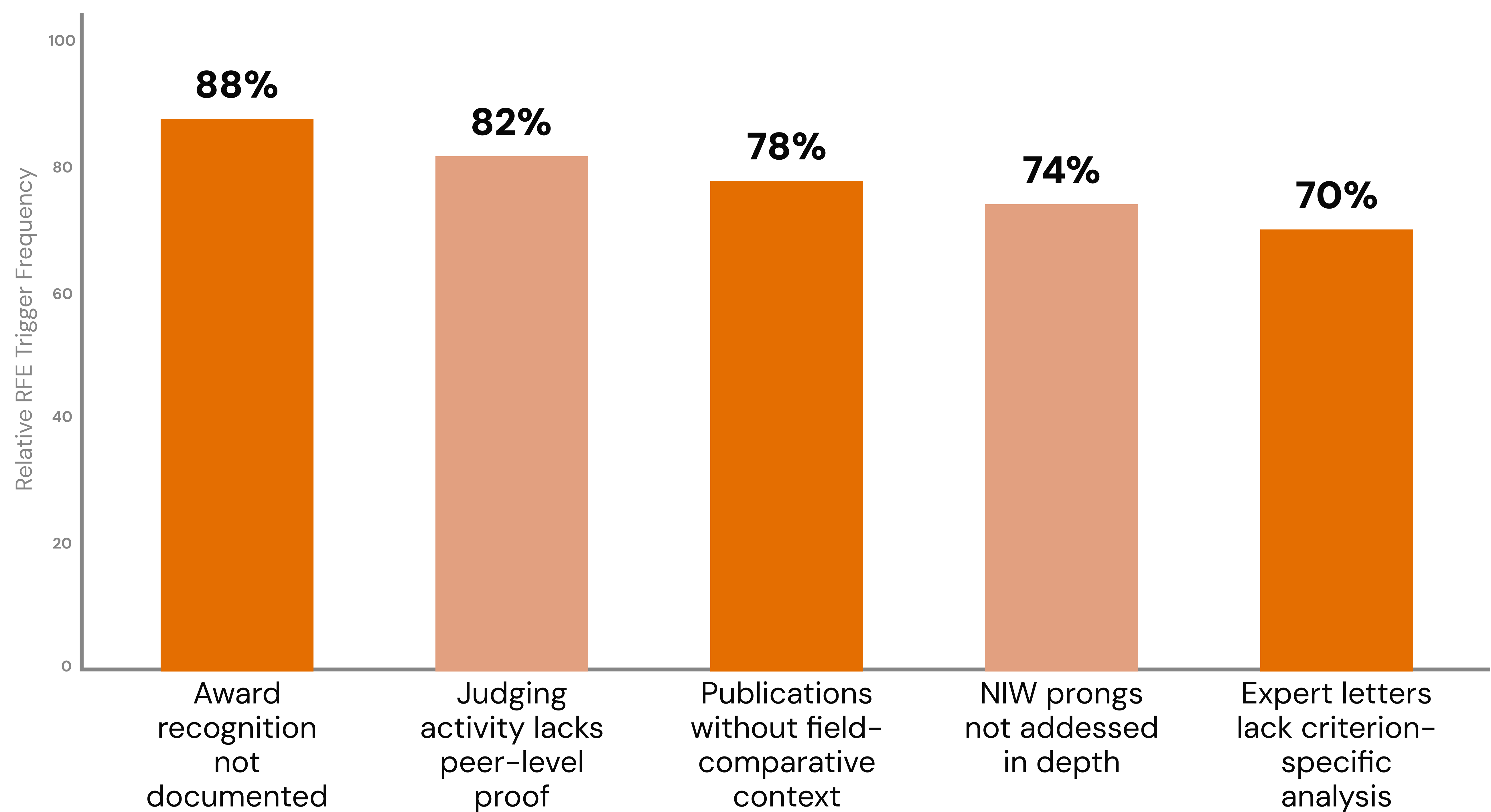
SECTION

RFE Prevention and Response Strategy

5.1 RFE Patterns in EB-1A and NIW Cases

IS Law Firm's practitioner experience with EB-1A and NIW Requests for Evidence identifies consistent patterns. The most frequent RFE triggers are: insufficient documentation of national or international recognition for awards; failure to establish that judging activity involves evaluating others at or above the petitioner's level; a record of publications, work, or performance presented without field-comparative context; NIW petitions that do not specifically identify the national interest served or address the Dhanasar prongs in adequate depth; and expert letters that endorse the petitioner without addressing the specific regulatory criteria the adjudicator is required to apply.

Most Common RFE Triggers – EB-1A & NIW Cases



IS Law Firm’s Evidence Architecture Methodology is designed to address each of these RFE triggers before filing. A well-prepared, thoroughly documented initial filing is both the most time-efficient path forward and the approach most likely to avoid the delays and additional costs associated with an RFE.

Sources and Research Citations

Source	Publication / Report
USCIS	EB-1A RFE Issuance Data and Denial Patterns, FY2025–2026
USCIS	NIW Approval Rate Statistics, Q3 FY2025 (54.0% approval rate per official USCIS I-140 quarterly data)
Kazarian v. USCIS, 596 F.3d 1115 (9th Cir. 2010)	Two-Step Adjudication Framework for Extraordinary Ability Petitions; codified in USCIS Policy Memorandum PM-602-0005 (Dec. 22, 2010)
Matter of Dhanasar, 26 I&N Dec. 884 (AAO 2016)	NIW Three-Prong Framework, decided December 27, 2016; supersedes Matter of NYSDOT, 22 I&N Dec. 215 (1998)
USCIS Policy Manual	Volume 6, Part F: Employment-Based Extraordinary Ability Standards; Volume 6, Part F, Chapter 5: National Interest Waivers
IS Law Firm	10-Criterion EB-1A Evidence Matrix; Cross-Field NIW Frameworks, 2026

© 2026 IS Law Firm. All rights reserved. This whitepaper is for informational purposes only and does not constitute legal advice or create an attorney-client relationship.



EXTRAORDINARY
TALENT AND SELF-
PETITIONS

EXCEPTIONAL TALENT.
EXTRAORDINARY ABILITIES.



I.S. LAW FIRM, PLLC
LAW OFFICES OF ISMAIL T. SHAHTAKHTINSKI

Book Your **Consultation!** Stop the Delay!

Confidential One-on-One
Strategy Review

Ismail Shahtakhtinski

Founder & Managing Attorney

IS Law Firm

Founder and Investor Immigration

Email:

law@islawfirm.com

Phone:

(703) 527-1779

Website:

islawfirm.com