



EXTRAORDINARY  
TALENT AND SELF-  
PETITIONS  

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EXCEPTIONAL TALENT.  
EXTRAORDINARY ABILITIES.



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# PLAYBOOK

**Your achievements  
are the foundation  
of the case**



*Prepared by IS Law Firm • 2026*

# The Problem Nobody Warned Them About

Here is the situation IS Law Firm encounters consistently across every field where excellence is recognized: a research scientist at a leading university, a chef who has built a respected culinary career, a professional athlete or coach with a documented performance record, an entrepreneur whose company has achieved measurable growth, an artist or musician with a body of critically recognized work, an AI engineer at a Virginia-based technology firm. They hold awards, press coverage, leadership roles, and peer recognition that, on its face, qualifies them for an O-1A, EB-1A, or NIW self-petition.

Their profile is strong. Their credentials are real. And yet they remain dependent on employer sponsorship – whether through H-1B, O-1, or another status – for a green card that may be a decade or more away in the EB-2 or EB-3 backlog, entirely unaware that their own record of achievement can be the basis of a petition filed in their own name.

This is not an edge case. It is the default condition of the high-achieving professional in the United States – regardless of field – who has never been told that employer dependency is optional.

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## **MOST HIGH ACHIEVERS DON'T KNOW THIS IS POSSIBLE**



The extraordinary ability and national interest waiver pathways exist precisely for individuals whose professional contributions qualify them for U.S. immigration independently of any employer. USCIS adjudicates these petitions based on the quality and construction of the evidentiary record, not through employer sponsorship; making thorough preparation a critical factor, though outcomes remain subject to USCIS discretion.

The majority of qualified candidates have never been evaluated for these pathways; not because they don't qualify, but because no one has shown them what a case built around their record looks like.



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# Why This Matters Right Now

The self-petition windows are not a marketing concept. These reflect a convergence of calendar-driven pressures that makes those the highest-value awareness moments of the year for qualified professionals who have not yet evaluated their self-petition options.

## **1 | NIW APPROVAL RATES AT RECORD LOW**

USCIS approved only 35.7% of NIW petitions in Q4 FY2025; the lowest quarterly rate on record and the first quarter in which denials outnumbered approvals. Petitioners who filed without expert evidence preparation are generating Requests for Evidence at elevated rates. This environment creates the strongest demand of the year for qualified second-opinion counsel and new-case representation.

## **2 | NEW YEAR CAREER STRATEGY CYCLE**

January is the month when accomplished professionals across research, technology, business, the arts, and athletics reassess their green card strategy. Hiring cycles, contract renewals, season transitions, and annual performance reviews converge in Q1. The professional who evaluates their options in January retains the maximum runway to build, file, and receive a decision before the year's critical career junctures arrive.

## **3 | INDIA & CHINA BACKLOG URGENCY**

For accomplished professionals born in India or China – whether in research, technology, medicine, business, or the arts – EB-2 and EB-3 priority date backlogs exceeding twelve years make employer-sponsored green cards functionally inaccessible within a working career horizon. EB-1A carries a materially shorter wait for India- and China-born applicants, currently running approximately three to four years against over a decade under EB-2 India. January is the month when the backlog arithmetic becomes unmistakably clear.

## **4 | INDUSTRY RECOGNITION CYCLE**

January is when most fields tally the prior year's recognition: industry awards, annual rankings, season and tour results, funding and grant cycles, performance reviews, and press retrospectives all land in the first weeks of Q1. For the self-petitioner, that is also the moment when the strongest, most recent evidence of national or international recognition becomes available to document; making January the optimal window to capture a record at its peak strength.



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# The Three Problems IS Law Firm Solves

## #1

### Core Problem

**They Don't Know  
They Qualify**

#### What It Is

The majority of high-achieving professionals – across research, technology, medicine, business, the arts, and athletics – who qualify for O-1A, EB-1A, or NIW self-petitions have never been evaluated for these pathways. Their employers sponsor EB-2 or EB-3 cases by default.

Prior counsel, if engaged at all, has focused on H-1B renewals and PERM timelines without assessing the client's self-petition eligibility.



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## The Cost of Not Knowing

A talented professional – a researcher with a strong publication record, an athlete with national championship results, or a chef with sustained media recognition – who remains unaware of the EB-1A pathway may spend well over a decade in the EB-2 or EB-3 India or China backlog.

A carefully prepared EB-1A petition may, depending on case complexity and USCIS workload, reach an initial adjudication decision within approximately 15 business days under premium processing, though subsequent steps – including visa availability and adjustment of status – mean the full path to permanent residence for India-born applicants currently runs approximately three to four years from priority date, with no guarantee of that timeline remaining stable.

The cost of this information gap is not theoretical.

It is measured in years of professional and personal life.

### A LAWYER WOULD ASK YOU

*When did someone last review your record of awards, recognition, media coverage, leadership roles, and professional achievements against the USCIS ten-criterion EB-1A standard; not to file a petition, but to tell you whether you qualify and what your strongest evidence would be?*

*If the answer is never, the eligibility assessment IS Law Firm offers is a worthwhile use of your time as you plan your immigration strategy for the year ahead.*



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# #2

## Core Problem

### Their Evidence Architecture Is Wrong

#### What It Is

Self-petitioners who attempt to build their own EB-1A or NIW cases – or who retain transactional immigration attorneys without dedicated self-petition practice depth – consistently make the same structural error: they assemble credentials rather than build a case. A researcher submits a publication list when the petition requires a citation impact analysis.

An entrepreneur attaches press clippings when the record calls for a comparative recognition argument grounded in the relevant USCIS criteria. An athlete or artist lists accolades when the petition needs a national interest or extraordinary ability framework built around the specific facts of their career.



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## The Risk

The 35.7% NIW approval rate in Q4 FY2025 does not reflect a deterioration in USCIS adjudication standards alone. It also reflects a structural failure in how a large portion of self-petitions are prepared and presented.

IS Law Firm's approach to the EB-1A's ten regulatory criteria, and to NIW filings across every practice area, does not assemble evidence. It constructs a legal argument.

IS Law Firm's view being that thorough preparation – beginning with evidence architecture rather than credential assembly – is the most significant variable a petitioner can control in this environment.

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## COMMON MISTAKE



Submitting a list of credentials, publications, or accolades as evidence of contribution.

A list documents output.

A citation analysis, comparative recognition argument, field-impact narrative, or peer and industry recognition framework demonstrates extraordinary ability under the USCIS standard.

IS Law Firm's evidence architecture converts the client's professional record – in any field – into USCIS-compliant extraordinary ability documentation before the petition is filed, not in response to a Request for Evidence.

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# #3

## Core Problem

**They Are Waiting for Permission From an Employer Who Cannot Give It**

### What It Is

The most common reason a qualified self-petitioner does not file is not evidentiary. It is a mistaken belief that employer authorization is required. They are waiting for their employer to sponsor the green card. They are waiting for the PERM to clear. They are waiting for the RFE response to come back.

They are waiting, in other words, for permission from a system that is not designed to grant it; and from an employer whose sponsorship timeline has no bearing on their own extraordinary ability.



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## The Resolution

The O-1A, EB-1A, and NIW pathways exist specifically to remove the employer from the immigration equation for individuals whose achievements have already met the USCIS threshold.

The self-petition is not a fallback for professionals who cannot obtain employer sponsorship. It is the primary pathway for individuals whose record has earned it.

IS Law Firm's practice exists to close the gap between what the law provides and what most accomplished professionals have actually been told is available to them.



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# IS Law Firm's Self-Petition Program Framework

## Pillar 1:

### **ELIGIBILITY ARCHITECTURE; DELIVERED BEFORE THE FIRST FILING DECISION**

Every IS Law Firm self-petition engagement begins with an Evidence Architecture Assessment: a structured review of the client's professional output, awards, recognition, citations or press coverage, patents, media presence, and peer or industry standing against the USCIS ten regulatory criteria for EB-1A and the Matter of Dhanasar three-prong NIW framework.

The assessment is not a checklist. It is a strategic brief that identifies which pathway offers the stronger approval probability, which evidence categories are most compelling, and which elements require development before a petition can be filed responsibly.

### ***WHY THIS PILLAR CANNOT BE SKIPPED***

The most expensive petition is the one filed before the evidentiary record is ready. IS Law Firm's eligibility assessment identifies the optimal pathway, the strongest evidence categories, and the appropriate filing timeline; before the first dollar is committed to petition preparation. Clients who file without this assessment enter the process with the same structural vulnerabilities that have contributed to elevated RFE rates across the general applicant pool, where, in the most recent quarter on record, denials outnumbered approvals.

IS Law Firm's assessment is designed to identify and address those vulnerabilities before the petition is filed.



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## **Pillar 2:**

### **EVIDENCE CONSTRUCTION; BUILT FOR USCIS, NOT FOR A RESUME OR PORTFOLIO**

IS Law Firm's evidence construction process converts the client's professional and creative record into a USCIS-standard extraordinary ability or national interest waiver case. Depending on the client's field, this may involve citation impact analysis, publication venue prestige documentation, box office or sales performance data, award significance arguments grounded in applicable USCIS precedent, judging or peer review participation records, media coverage compilation, and a national interest or extraordinary ability narrative that ties the client's specific contribution to a USCIS-recognized standard of benefit to the United States.

#### ***WHY THIS PILLAR CANNOT BE SKIPPED***

The evidence architecture for a biomedical researcher with 200 citations and three NIH-funded publications is structurally different from the architecture for a chef with national press coverage and culinary awards, or a professional athlete with championship titles and industry sponsorship recognition.

IS Law Firm develops every case from the client's specific record – not from a standard template – because USCIS adjudicators evaluate the totality of the evidence and the strength of the argument, not merely the number of criteria boxes checked.



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## **Pillar 3:**

### **SELF-PETITION FILING & POST-APPROVAL STATUS STRATEGY**

IS Law Firm manages the complete self-petition filing – petition preparation, supporting documentation assembly, cover letter drafting, USCIS coordination, and RFE response when required – and delivers a post-approval status strategy that maps the client's path from O-1A or EB-1A approval through adjustment of status or consular processing to lawful permanent residence. The client's focus remains on their career, while IS Law Firm manages the filing process and keeps the client informed at each stage.

#### ***WHY THIS PILLAR CANNOT BE SKIPPED***

A successful EB-1A I-140 approval without a clear adjustment of status strategy leaves the client without a defined path forward. A successful O-1A approval without a concurrent EB-1A or NIW filing leaves the client on a temporary nonimmigrant status with no green card runway.

IS Law Firm's post-approval strategy converts a petition win into a permanent residence pathway; the only outcome that actually removes the client from employer dependency.



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# What Clients Need Before Their Eligibility Assessment

The items below represent the starting point for IS Law Firm's EB-1A / NIW Evidence Architecture Assessment. Which elements are most critical depends on the specific pathway, the client's field, and their career stage.

## Professional & Creative Output

Professional portfolio, body of work, or Google Scholar profile (with citation count, if applicable) Full list of publications, projects, performances, or releases with venue names and significance indicators Citation metrics, sales or streaming figures, audience reach, or other quantitative impact data Grant, funding, or investment history and amounts Patent applications and grants.

## Recognition & Peer Standing

Awards, fellowships, and honors (with selection criteria) Judging or peer review invitations (competitions, journals, conferences, or industry panels) Editorial board memberships Conference presentations, keynotes, or invited talks Media coverage, press mentions, or industry recognition

## THE ASSESSMENT REVEALS WHAT THE DOCUMENTS CANNOT SHOW ALONE

Profile documents are the starting point, not the case. IS Law Firm's Evidence Architecture Assessment identifies not just what evidence exists, but how to frame it, which criteria it satisfies, and which elements require additional development before filing. That includes the gaps that exist even when the client believes their record is complete.



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# 5 Questions to Ask Any Attorney You Consider for Your Self-Petition



## Question 1:

Has your firm evaluated EB-1A petitions specifically against each of USCIS's ten regulatory criteria; and can you walk me through which of my profile elements satisfies which criterion, and on what basis?



## Question 2:

What is your practice's approval rate on EB-1A and NIW petitions over the past 24 months, and what percentage?



## Question 3:

How do you build the national interest waiver argument for someone in my specific field; and can you give me a concrete example of the framing you have used for a comparable applicant?



## Question 4:

What is your evidence construction process between assessment and filing; specifically, how do you convert my professional record, whether that is publications, press coverage, awards, or sales data, into the USCIS-standard documentation the petition requires?



## Question 5:

If USCIS issues a Request for Evidence on my petition, what is your response process, your typical response timeline, and your approval rate on RFE responses in EB-1A and NIW matters?

## A FIRM'S ANSWERS REVEAL MORE THAN THEIR CREDENTIALS

The specificity of the answers – particularly on USCIS criterion-by-criterion analysis, field-specific NIW framing, and RFE response depth – tells you considerably more about self-petition practice expertise than any marketing materials. A transactional immigration shop will give transactional answers. A practice built around evidence architecture will give specific answers, including the specific USCIS criteria, the applicable case law, and the concrete evidence categories their preparation covers.



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# 5 Mistakes That Prevent Extraordinary Talent Cases From Being Approved

## Filing Before the Evidence Architecture Is Ready

The most common cause of EB-1A denial is not a weak profile; it is a premature filing. IS Law Firm's practice is not to file until the evidentiary record is as complete as practicable and the legal argument has been stress-tested against the applicable USCIS standard; though no preparation process eliminates the inherent discretion of USCIS adjudication.

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## Using a CV or Resume as a Petition Brief

A CV documents achievement. A petition brief constructs a legal argument. They are not the same instrument and USCIS does not evaluate them the same way. IS Law Firm converts the client's CV, resume, or portfolio into an evidence-based USCIS argument; before the petition leaves the office.

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## Treating All Three Criteria as Equal

USCIS requires evidence of at least three of the ten EB-1A regulatory criteria, but satisfying the threshold is only the first step. Adjudicators also conduct a final merits review of the overall record. IS Law Firm's evidence assessment identifies the client's two to four strongest criteria and builds the case around them, rather than spreading thin documentation across weaker evidence categories.

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## Filing NIW Without a Field-Specific National Interest Narrative

The NIW's Matter of Dhanasar three-prong framework requires an individualized national interest argument tied to the specific merits of the applicant's work; not a general statement of value. IS Law Firm drafts the national interest narrative against the specific federal priorities, industry needs, and policy frameworks that make the client's work relevant under the USCIS standard, not merely impressive within their field.

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## Not Filing Concurrent O-1A and EB-1A

The O-1A and EB-1A share a substantially similar evidentiary standard. A well-supported O-1A applicant is, as a general matter, a strong EB-1A candidate. Filing both simultaneously – with the O-1A providing a nonimmigrant status pathway while the EB-1A processes toward permanent residence – can be a strategically sound approach for a client whose record supports both, subject to individual circumstances and the independent USCIS adjudication of each petition.



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# Frequently Asked Questions



## ***I already have an employer sponsoring my green card. Why would I file a self-petition?***

Employer sponsorship and self-petition are not mutually exclusive. An EB-1A or NIW filed today runs concurrently with your employer-sponsored PERM. If your employer-sponsored case is delayed, revoked, or tied to a years-long EB-2 India backlog, your self-petition becomes the active pathway. IS Law Firm evaluates both tracks simultaneously when the client's profile supports it; because a sound immigration strategy does not rely on a single outcome.

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## ***My record looks modest compared to a Nobel laureate or an Olympic champion. Is it still enough for EB-1A?***

A single metric – whether a citation count, an awards list, sales figures, or a title – does not determine EB-1A eligibility on its own. A researcher with 35 highly targeted citations in a specialized field may have a stronger extraordinary ability argument than a researcher with 400 citations in a large, generalist discipline. The same logic applies to an athlete, artist, or executive whose recognition is concentrated in a significant but narrowly defined niche. IS Law Firm's evidence assessment evaluates impact relative to field norms, venue or platform prestige, and the comparative weight of the work; not against a fixed absolute number.

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## ***What is the difference between EB-1A and NIW, and which one should I file?***

EB-1A requires proof of extraordinary ability through at least three of USCIS's ten regulatory criteria, followed by a final merits review of the overall record; it carries a higher evidentiary threshold but, as of current Visa Bulletin dates, a materially shorter wait for India-born applicants and no labor market test. NIW requires proof that the applicant's work is in the national interest under the Matter of Dhanasar framework; it carries a lower initial evidentiary threshold but shares the EB-2 backlog for India-born applicants, which currently runs in excess of twelve years. IS Law Firm's assessment identifies which pathway the client's record supports most strongly, and whether a concurrent filing strategy serves both pathways.

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## ***How long does an EB-1A take from filing to approval?***

Standard I-140 processing for EB-1A currently runs between roughly six months and over a year depending on service center workload and case complexity; some cases may take longer. Premium processing is available for EB-1A and reduces the initial adjudication timeline to 15 business days for an additional government fee, currently \$2,965 as of 2026. For India-born applicants, the I-140 approval is the first step; visa availability under the Visa Bulletin then determines when adjustment of status or consular processing can proceed, currently running approximately three to four years from the priority date. IS Law Firm advises on whether premium processing is strategically appropriate given each client's specific circumstances and timeline.



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