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EB-1
First Preference Immigrant Petition
INA §203(b)(1), 8 CFR §204.5

A First Preference Immigration Petition (EB-1) is an employment-based petition for permanent residence reserved for those who are among the most able and accomplished in their respective fields within the arts, sciences, education, business, or sports. There are three (3) types of EB-1 petitions:

- Alien of Extraordinary Ability EB-1(a)
- Outstanding Researcher/Outstanding Professor EB-1(b)
- Managers and Executive Transferees EB-1(c)

The most notable advantage for those who qualify for an EB-1 petition is the lack of a Labor Certification requirement. In EB-1(a) petition, a permanent job offer is not required, and an alien may petition immigration by himself or herself. However, in EB-1(b) and EB-1(c) petitions, a permanent job offer is required. In other words, a US employer must be the petitioner in EB-1(b) or EB-1(c) petition.

EB-1(c)

The Multinational Managerial or Executive EB-1(c) petition allows international companies to transfer top-level executives and managers to the U.S. as permanent residents.

The following requirements must be satisfied:

- The candidate must have been employed for one year within the past three years by either the overseas affiliate, parent, subsidiary or branch of the U.S. employer and she must work in the United States in a managerial or executive capacity; and
- The company must conduct business within the United States and another country in the regular, systematic, and continuous provision of goods or services; and
- The company must have been in existence in the United States for at least one year and must demonstrate it has the ability to pay the proffered wage.
- The **Managerial Capacity** requirement is met if the alien can prove that he/she personally:
 - Manages the organization, department, component, or function;
 - Supervises and controls the work of other supervisory, managerial, or professional personnel;
 - Has authority to make personnel hiring/firing decisions; and
 - Exercises discretion over day-to-day operations or function.
- The **Executive Capacity** requirement is met if the alien can prove that she primarily:
 - Directs management of an organization, major component, or function;
 - Establishes goals and policies;
 - Exercises wide latitude in discretionary decision-making; and
 - Receives only general supervision from higher executives, the board of directors, or stockholders.

EB-1(c) Multinationals Executives and Managers Checklist*
8 CFR 204.5(j)

Form G-28 – Attorney Represent	
Form I-140 – Petition for Immigrant Worker	
Attorney Cover Letter	
From U.S. Company	
Intended Job Title and Description in the U.S. for the Transferee	
Proof of Qualifying Relationship between US Co and Foreign Company	Discuss with Law Firm
Article of Incorporation or Association	
FEIN documentation	
Stock certificates or proof of ownership	
Lease of business location	Even New Office requires a lease showing that sufficient premises have been secured for the transferee
Pictures of the main office (interior and exterior)	
Description of company business	
Company letterhead with company logo, name, and address (electronic copy, word document)	
Company structure, plan of employing new employees	Describe this to Law Firm
Company information (history, facilities, products, number of employees, clients)	Describe this to Law Firm
U.S. Company Org Chart	
Company brochure or product introduction, marketing materials	
Business Plan	Mostly required for New Offices, can be used for existing businesses. Discuss with Law Firm.
Print-out of corporate website	Law Firm will print this
<i>Finances: Proof that the petitioner has the financial ability to remunerate the beneficiary and to commence doing business in the United States (Discuss with Law Firm what documents best show financials of company. The below list is are examples. For a new office much of this may not exist.)</i>	
Evidence of initial funding (if new office)	If applicable
Corporate income tax return Form 1120 (if any)	Last 1- 2 years



Employer's Quarterly Report Form 941 (if any)	Last 1 year
Audited accounting reports (balance sheets, profit/loss statements, cash flow reports)	Last 1 year, if no recent tax return
Bank statements	Last 3 months
Commercial contracts, invoices, bills of lading, letters of credit	Sampling
From Foreign Company	
Job Title and Description of the Transferee at the company abroad	
Business license	
Article of Association	
Memo of Association	
Lease Agreement	
Pictures of company's main office, factories, or buildings (Disregard if already included in company brochure)	
Organizational chart, total number of employees, position held by the transferee	
Company brochure or product introduction, marketing materials	
Board resolution or appointment documents verifying the transfer, and/or set-up of new office.	
Company letterhead with company logo, name, and address (electronic copy)	
<i>Evidence of the Foreign Company's Financials (Discuss with Law Firm what documents best show financials of company. The below list is are examples.)</i>	
Income tax filings	Last 1 to 2 years
Audited accounting reports (balance sheets, profit/loss statements, cash flow reports)	Last 1 year, if no recent tax return
Bank statements, or transactional records	Last 1 year
Documents of business transactions (contracts, bills of lading, letters of credit)	Last 1 year (sampling)
Bank statements, or transactional records	



From Transferee (Employee)	
Copy of passport (all biodata pages, all stamped pages)	
Resume	
Education Documents (diplomas and transcripts)	
Employment verification letter from the foreign company	
Paystubs for entire term of employment with company abroad.	
Board resolution or appointment documents verifying the transfer	
Offer Letter for U.S. position	
Any other documents showing transferee's capability to conduct business in the executive position.	