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ARE YOU EXTRAORDINARY? YOU MAY QUALIFY FOR A GREEN CARD.

In this difficult time, when it is hard to find ways to obtain status in the U.S., one alternative might be a category for “persons of extraordinary ability”.

Under US law, a person of extraordinary ability qualifies for permanent residence if they meet certain statutory and regulatory guidelines. Those guidelines require evidence in at least three of the following categories:

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 the classification is sought, which require outstanding achievements of their members;
3. Published material about the alien in professional or major trade publications/journals or other major media, relating to the alien's work in the field for which the Classification is sought.
4. Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same field of specification 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 publication of scholarly articles in the field;

7. Evidence of the display of the alien's work at artistic exhibitions or showcases;
8. Evidence that the alien has performed in a leading 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 disc, or video sales.

If you or someone you know, without status in the U.S., can assemble such evidence to document their status as outstanding in their field, an application to the CIS for permanent residence should be considered. This is equally applicable for persons with careers in the sciences (such as physicist, chemist, biologist, doctor, computer scientist, inventor, etc.) as it is for the arts (such as musician, artist, writer, etc.).

It is important to submit such application while the person is in the US legally or if they live abroad; once the applicant is out of status here, the application -- even if approved -- will not put them back into legal status.

I have myself been successful in obtaining such status for a cellist, a Russian iconographer, a cardiologist, a graphic artist, a nuclear scientist, a painter, an inventor of computer software and many others in a wide variety of careers.

For those persons with considerable education and skills B particularly those on H-1 visas without much hope of getting permanent residence because they have lost their sponsor or just because the process is now so difficult B this is an option that should be considered.

CHRISTOPHER A. KEROSKY of the law firm of KEROSKY & BRADLEY has practiced law since 1984 and has handled over 1000 immigration cases. He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C. His offices are in San Francisco, San Jose and Sacramento.