

For EB-1 Immigrant Petitions: Stages 1 and 2

Stage 1:

I-140 Immigrant Petition for Multinational Manager

- Priority date is based on when the I-140 petition is filed and received by USCIS.

Stage 2:

I-485 Adjustment of Status (AOS/Green Card)

- The I-485 forms can be filed together only if there is an “Immigrant Visa” number immediately available based on the Visa Bulletin issued monthly
- 2 Visa Bulletin Charts: Final Action Dates (dates when visas may finally be processed) vs. Dates for Filing (earliest dates when applicants may submit AOS applications)
- Availability is based on the Country of Birth, not nationality
- The Adjustment of Status (AOS/green card) includes three (3) main forms: 1) I-485 Adjustment of Status to adjust to a permanent status; 2) I-765 Employment Authorization Document (EAD) for work authorization; and 3) I-131 Advance Parole (AP) to facilitate travels. The AP and EAD are sometimes issued together, and sometimes separately based on processing times, and are typically issued while the I-485 is pending.
- *Please note that you will need to be physically present in the US to file the Adjustment of Status.*
- *Please discuss with your Holland & Hart attorney if there may be travel restrictions.*

EB-1(C) Multinational Manager Petitions filed with USCIS

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EB-1 Visa Intake

- Request information and documentation from the Company and the Employee.
- Review any issues that may arise, request documentation that may be helpful in completing assessment, and discuss strategy with the Company.
- Timeframe depends on the Company and the Employee in providing information and documentation.

2

EB-1 Drafting and Documentation

- Prepare and draft the Company support letter based on the information provided to highlight the Employee's role abroad and in the US. Preparation of the EB-1 petition takes about 3-5 weeks upon receiving all the information and documentation.
- Because EB-1 petitions filed with USCIS have a high-level of scrutiny, Holland & Hart may follow up with additional requests for information and documentation to try to minimize risk for Request for Evidence (RFE).
- Holland & Hart works with the Company to finalize the EB-1 petition.

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EB-1 Submission

- Holland & Hart submits the EB-1 petition with USCIS. The date the petition is received by USCIS, the individual receives a "Priority Date".
- If the case is filed under regular processing, USCIS will issue a response usually around a 4-6 month processing time. If the case is filed under Premium Processing for an additional filing fee, USCIS will issue a response within 45 calendar days.
- USCIS may issue a Request for Evidence (RFE). Holland & Hart will reach out to gather further information and documentation depending on the RFE issued.
- When the case is approved, USCIS will issue an I-797 Approval Notice.

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Adjustment of Status

- Holland & Hart will track the Priority Date based on the date the I-140 petition is filed. The Priority Date combined with the individual's country of birth will determine when the Adjustment of Status (AOS/green card) can be filed. *See page 1.*
- *If you have travel plans, please reach out to the Holland & Hart attorney.*