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"Why am I muted?"
Don’t worry. Everyone is muted except the Presenter and the Host. Thank you and enjoy the show.

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BS, Massachusetts Institute of Technology, June 2021
(Chemical-biological Engineering, Computer Science & Molecular Biology)

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ACS OFFICE OF DEIR
Advancing ACS’ Core Value of Diversity, Equity, Inclusion and Respect

Resources

Inclusivity Style Guide
Innovative, insightful, and inspiring language and images that respect diversity in all forms.

ACS Webinars on Diversity
Covering diversity and inclusion in the workplace.

ACS Volunteer and ACS
Meetings Code of Conduct
Involving a positive and welcoming environment for attendees, volunteers, and staff.

ACS Publications DEIR Hub
See what ACS Publications is doing for fostering inclusivity in scholarly publishing.

C&EN Trailblazers
C&EN highlights scientists from different backgrounds who are making an impact in chemistry.

NEW Download DEIR
Educational Resources
Download this educational guide for additional recommendations on videos, articles, books, portraits, and more on diversity, inclusion, and related topics.

Quick Guide: Inclusion
Moments
Learn more about what inclusion moments are and ideas to host them during your meetings.

Quick Guide: How to host
Inclusive in-person events
Recommendations and best practices to ensure that your events can accommodate everyone.

Diversity, Equity, Inclusion, and Respect

Equity**
Ensures fair treatment, equality of opportunity, and fairness in access to information and resources for all. We believe there is only one viable environment built on respect and dignity. Equity requires the identification and elimination of barriers that have prevented the full participation of some groups.

Diversity**
The representation of varied identities and differences (race, ethnicity, gender, disability, sexual orientation, gender identity, national origin, religion, age, social economic status, thinking and communication styles, etc.), collectively and as individuals. ACS seeks to proactively engage, understand, and draw on a variety of perspectives.

Inclusion**
Enables a culture of belonging by actively inviting the contribution and participation of all people. Every person's value adds value, and ACS strives to create balance in the face of power differences. In addition, no one person can or should be called upon to represent an entire community.

 Respect
Ensures that each person is treated with professionalism, integrity, and ethics underpinning all interpersonal interactions.

https://www.acs.org/content/acs/en/about/diversity.html
ACS Industry Member Programs

- ACS Industry Matters
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- ACS Innovation Hub LinkedIn Group
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Resources

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  Encompasses tips to help staff and volunteers use language and images that respect diversity in all arenas.

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*Adapted from definitions from the first National Center for Social Justice.

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https://www.acs.org/diversity

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👋 Say hello in the questions window!

Green Cards for Scientific Researchers: How to Win Your EB-1/NIW Case

BRIAN H. GETSON, ESQ.
Attorney, Getson & Schatz, P.C.

TOM HALLERAN, MBA
Manager, ACS Education, American Chemical Society

This ACS Webinar® is co-produced with ACS Careers.
MAINTAINING YOUR STATUS

STUDENT  WORK

**F-1**  **POSTDOC vs. INDUSTRY**

HOW TO MAINTAIN YOUR STATUS

**POSTDOC**

OPT: 3 YEARS

H-1B: 6 YEARS +

J-1: 5 YEARS

GREEN CARD

**INDUSTRY**

OPT: 3 YEARS

H-1B: 6 YEARS +

O-1: INDEFINITE

GREEN CARD
OPT: 3 YEARS

CAN I APPLY FOR A GREEN CARD DURING OPT?

NEED TO MANAGE VISA BACKLOGS

TWO STEPS – I-140 & I-485

NEED TO CONSIDER EXPIRATION DATES OF OPT EAD AND STEM OPT EAD

H-1B

Postdoc: Cap Exempt

Industry: Visa Lottery
ODDS OF WINNING H-1B VISA LOTTERY

1 in 5, or worse
IF TRY INDUSTRY, BUT LOSE THE LOTTERY, THEN GOING BACK TO POSTDOC MAY BE NECESSARY

WHY IS H-1B BETTER THAN J-1?

H-1B:
1. Dual Intent:
Allows travel and extension of status with pending or approved I-140 NIW/EB-1 petition and pending I-485

2. Ability to extend beyond 6 years if needed (important due to visa backlogs)
WHY YOU DON’T WANT A J-1 UNLESS YOU HAVE NO CHOICE

1. No dual intent

2. 2-year rule

3. Unfortunately, most university postdoc positions use the J-1

WHEN TO USE THE O-1 (TYPICALLY FOR INDUSTRY ONLY)

1. If you don’t win the H-1B lottery.

2. If you are subject to the J-1 2-year rule.

3. If you cannot extend H-1B beyond 6 years.

4. If you want to transition from academia to industry.
PATHS TO A GREEN CARD

1. **PERM**, Permanent Labor Certification: **CANNOT SELF-FILE**

2. **EB-1A** “Extraordinary Ability”: **CAN SELF-FILE**

3. **EB-1B** “Outstanding Researchers/Professors”: **CANNOT SELF-FILE**

4. **EB-2 NIW** “National Interest Waiver”: **CAN SELF-FILE**

GREEN CARD FILING STRATEGY/TIMING

1. **HAVE A ROADMAP**

2. **HAVE A PLAN B / BACKUP PLAN**
GREEN CARD FILING STRATEGY/TIMING

1. WHEN DOES YOUR CURRENT STATUS EXPIRE AND CAN YOU EXTEND YOUR CURRENT STATUS OR CHANGE STATUS? **HAVE A ROADMAP**

2. ARE YOU IN INDUSTRY OR POSTDOC?

3. HOW STRONG IS YOUR CASE NOW AND WILL IT IMPROVE IN THE NEAR FUTURE?

4. FAMILY AND JOB CONSIDERATIONS.

GETTING A GREEN CARD WHILE AVOIDING PERM LABOR CERTIFICATION
**MAY 2023 VISA BULLETIN**

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**EXPERT TIP ON STRATEGY/TIMING**

Sometimes it makes sense to file a NIW now and an EB-1 later.

**Ex:** You are on OPT with 175 cities and no significant positive factors and you are unlikely to win an EB-1 and if USCIS denies you once they are likely to deny you twice.
EXPERT TIP ON STRATEGY/TIMING

1. File EB-1 once your NIW is approved after strengthening your case (higher cites, etc.).

2. Odds of EB-1 approval are HIGHER because your case is stronger & USCIS knows you have an approved NIW.

3. If you have a strong EB-1 case, you should not wait to file your EB-1 but should still file a NIW as insurance in case your EB-1 is denied.

4. You can’t premium process the I-485 so it typically does not make sense to premium process an I-140 if you need to wait to file the I-485 because of a backlog.
HOW TO
WIN AN
EB1/NIW
CASE

METHOD 1
RECEIPT OF A MAJOR,
INTERNATIONALLY
RECOGNIZED AWARD

Good luck with this method!
METHOD 2

**EB-1A:** SATISFY 3 OF THE CATEGORIES

**EB-1B:** SATISFY 2 OF THE CATEGORIES

**NIW:** ALL EVIDENCE COUNTS - NO SET CATEGORIES

1. RECEIPT OF NAT’L OR INT’L RECOGNIZED AWARDS IN FIELD
2. ACHIEVEMENT-BASED MEMBERSHIP IN ASSOCIATIONS

FELLOWSHIP LEVEL

3. PUBLISHED MATERIAL ABOUT YOU AND YOUR WORK IN JOURNALS OR MAJOR MEDIA PLATFORMS
4. **PARTICIPATION AS A JUDGE OF OTHERS**

PEER REVIEW

[Image of a person working on a laptop]

https://institute.acs.org/courses/acs-reviewer-lab.html

5. **ORIGINAL CONTRIBUTIONS OF MAJOR SIGNIFICANCE**

A. **OBJECTIVE EVIDENCE INCLUDING CITATION LEVEL**

B. **REFERENCE LETTERS**
A. ORIGINAL CONTRIBUTIONS: OBJECTIVE EVIDENCE

1. GOOGLE SCHOLAR CITATION PAGE
2. PUBLICATIONS COUNT EVEN IF NOT 1ST AUTHOR
3. CONFERENCE PRESENTATIONS
4. COPIES OF ARTICLES CITING YOUR WORK/MEDIA
5. INTEREST IN YOUR WORK BY OTHERS
6. PATENTS/FUNDING (ESP. COMMERCIALIZED)

B. ORIGINAL CONTRIBUTIONS: LETTERS

1. FIVE INDEPENDENT “RECOMMENDATION” LETTERS
2. SUPERVISOR LETTERS
3. PRIVATE COMPANY LETTERS
4. GOVERNMENT AGENCY LETTERS
5. USE OF WORK BY OTHERS WHO HAVE CITED YOU
6. COLLABORATION LETTERS
7. ORAL CONFERENCE PRESENTATION LETTERS
8. COMMERCIALIZATION/FUNDING
HOW WE WRITE THE LETTERS

RESEARCHERGREENCARD.COM / WHY-CHOOSE-GETSON / RECOMMENDATION-LETTERS

1. YOU OUTLINE YOUR RESEARCH
2. Q&A FROM OUR SCIENCE WRITERS
3. WE WRITE THE LETTERS FOR YOUR REVIEW

WHY OUR LETTERS ARE EFFECTIVE

A. INDEPENDENT LETTERS DISCUSS ALL RESEARCH
B. WE WRITE SUPPLEMENTAL LETTERS
C. WE AVOID PROBLEMATIC LANGUAGE
D. WE USE EXPERIENCED SCIENCE WRITERS TRAINED AT OUR LAW FIRM
6. AUTHORSHIP OF JOURNAL ARTICLES IN THE FIELD, IN MAJOR TRADE PUBLICATIONS OR MAJOR MEDIA

7. DISPLAY OF WORK AT ARTISTIC EXHIBITIONS OR SHOWCASES

DOES NOT APPLY!
8. CRITICAL ROLE

PERFORMANCE IN A LEADING OR CRITICAL ROLE FOR ORGANIZATIONS THAT HAVE A DISTINGUISHED REPUTATION (DEPARTMENT OR DIVISION NOW COUNTS)

9. HIGH SALARY COMPARED TO OTHERS IN THE FIELD
10. COMMERCIAL SUCCESS IN THE PERFORMING ARTS AS SHOWN BY BOX OFFICE RECEIPTS OR MUSIC/VIDEO SALES

DOES NOT APPLY!

---

**EB-1A LEGAL STANDARD**

1. SMALL PERCENTAGE AT THE VERY TOP OF THE "FIELD"

2. SUSTANIED NAT’L OR INT’L ACCLAIM

3. KAZARIAN STANDARD: EVEN IF SATISFY 3 CATEGORIES,

YOU CAN STILL BE DENIED!
**EB-1B LEGAL STANDARD**

1. INT’L RECOGNITION AS OUTSTANDING

2. TENURE OR TENURE TRACK TEACHING OR PERMANENT RESEARCH POSITION (ACADEMIC OR INDUSTRY)

3. 3 YEARS EXPERIENCE

4. KAZARIAN STANDARD: EVEN IF SATISFY 2 CATEGORIES, YOU CAN STILL BE DENIED!

**EB-1B IS EMPLOYER BASED**

1. BELONGS TO THE EMPLOYER, NOT YOU!

2. YOU MUST STAY IN THE JOB FOR 180 DAYS AFTER FILING I-485 AND THEN CAN PORT TO “SAME OR SIMILAR” POSITION.
EB-2: NIW: NATIONAL INTEREST WAIVER

1. Hold an advanced degree, or a BA/BS with 5 years experience

2. Demonstrate that your permanent employment is in the national interest

MATTER OF DHANASAR (AAO DECISION):

CIS may grant an NIW if:

1. Your proposed endeavor has substantial merit and national importance,

2. You are well positioned to advance the proposed endeavor, and
3. “On balance”, it would be beneficial to the U.S. to waive the job offer requirement and labor certification.

PREMIUM PROCESS

EXPEDITE YOUR EB-1 OR NIW PETITION FOR $2,500.

DECISION WITHIN 15 DAYS FOR EB-1 AND 45 DAYS FOR NIW

MORE LIKELY TO RECEIVE AN RFE / DENIAL
DEFINE YOUR EB-1A/NIW “FIELD” VERY CAREFULLY

1. BROAD ENOUGH TO COVER ALL OF YOUR RESEARCH
2. BUT NOT TOO BROAD!
3. BE CAREFUL: ANY NEW JOB PRIOR TO GREEN CARD MUST BE WITHIN YOUR DEFINED FIELD

WHY CHOOSE GETSON?

1. MONEY BACK GUARANTEE FOR MOST CLIENTS
2. WE EMPLOY SCIENCE WRITERS
3. 25+ YEARS OF EXPERIENCE
for more information, SEE:

RESEARCHERGREENCARD.COM
Green Cards for Scientific Researchers: How to Win Your EB-1/NIW Case Workshop

Mr. Brian Getson, Esq., and Marco Pignone, Esq.
Immigration Lawyers

What You Will Learn:

Course will cover all relevant immigration laws including:

- F-1 Student Status and OPT
- J-1 Status and H-1B Status
- How to qualify for EB-1A and NIW green cards
- How to maximize your chances of winning a green card through a self-petition
- Strategy for managing immigration status throughout the process

https://institute.acs.org/green-cards-for-scientific-researchers.html
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