

Overcoming the EB-1A Final Merits Determination Challenge

In recent years, the “Final Merits Determination” portion of the EB-1A Extraordinary Ability analysis has become one of the most difficult and unpredictable obstacles facing highly qualified applicants. Even where petitioners clearly satisfy at least three regulatory criteria and submit extensive evidence of extraordinary achievement, USCIS officers increasingly rely on the final merits review to issue Requests for Evidence (RFEs), Notices of Intent to Deny (NOIDs), and denials. The standard requires USCIS to determine whether the petitioner has demonstrated sustained national or international acclaim and risen to the very top of the field of endeavor — an inherently subjective analysis that has led to increasingly inconsistent and restrictive adjudications.

New Weiming Law Group has developed a strong record of successfully overcoming these challenges in complex EB-1A cases. Our firm prepares comprehensive and highly strategic initial petitions designed not only to satisfy the technical regulatory criteria, but also to demonstrate clearly that the petitioner meets the demanding final merits standard. However, despite the strength of the original filings, USCIS officers sometimes undervalue, misinterpret, or insufficiently weigh key evidence demonstrating the petitioner’s sustained acclaim and standing at the top of the field. In these situations, our firm has repeatedly succeeded in forcefully rebutting adverse findings and securing approvals.

Our legal strategy focuses on clarifying and emphasizing the full significance of evidence that may not have been properly appreciated during the initial adjudication. We carefully synthesize the record to highlight the strongest indicators of extraordinary ability, including independent citation impact, pioneering “firsts,” influential publications, implementation of research by others, peer review responsibilities, critical leadership roles, major media coverage, invited presentations, commercial applications, and evidence that the petitioner’s work has materially advanced the field. By organizing the evidence into a cohesive and persuasive narrative, we demonstrate why the petitioner belongs among the small percentage at the very top of the profession.

When responding to RFEs and NOIDs, New Weiming Law Group prepares exceptionally detailed and well-organized rebuttals that directly address USCIS’s concerns and legal reasoning. Rather than relying on generalized arguments, we provide targeted legal analysis supported by objective evidence, independent expert testimony, citation analysis, journal rankings, documentary corroboration, and detailed explanations connecting the petitioner’s achievements to the EB-1A legal framework. Our responses are specifically designed to demonstrate that the petitioner’s accomplishments satisfy both the regulatory criteria and the demanding final merits analysis required under current USCIS policy.

Our firm also places substantial emphasis on preparing highly sophisticated recommendation letters that reinforce the final merits argument. These letters do far more than summarize accomplishments. Leading independent experts explain in detail how the petitioner’s work has influenced the field, solved important problems, introduced new methodologies, changed professional practice, or distinguished the petitioner from peers working in the same discipline. This level of detail often becomes critical in demonstrating sustained acclaim and top-of-field standing.

As USCIS continues applying heightened scrutiny to EB-1A petitions, experienced legal advocacy has become more important than ever. New Weiming Law Group has repeatedly succeeded in obtaining approvals for researchers, physicians, scientists, engineers, and other high-level professionals even after USCIS issued RFEs, NOIDs, or denials challenging whether they had truly demonstrated sustained acclaim or risen to the top of their field. Through meticulous preparation, sophisticated legal strategy, and persuasive final merits advocacy, our firm helps extraordinary individuals overcome one of the most challenging aspects of the EB-1A process.