

BUSINESS & EMPLOYMENT-BASED PERMANENT RESIDENCE (“Green Cards”)*

McCandlish Holton, PC

VISA CATEGORY	DESCRIPTION	CRITERIA/SPECIAL RULES
<p>First Preference Priority Workers (EB-1).</p> <p>Labor Certification not required. The employer does not have to post a notice of the job vacancy or advertise the position.</p> <p>Three types:</p> <ul style="list-style-type: none"> A. Extraordinary Ability B. Outstanding Researcher/Professor C. Multinational Executive or Manager 	A. Persons of Extraordinary Ability in business, sciences, arts, education, or athletics.	Self-sponsored. Sustained national/international acclaim; extensive documentation. Can be self-employed. No job offer required. Must intend to continue work in area of extraordinary ability. Must show receipt of major prize (e.g., Nobel) OR 3 of following: lesser national/international prizes or awards; membership in prestigious societies; published material about alien (e.g., citations or articles about alien or alien’s work in professional/major trade publications or major media); work judging the work of others; significant contributions to field; authorship of scholarly articles; display of work; employment in leading or critical capacity for distinguished organizations; high salary; other.
	B. Outstanding Researcher or Professor.	Employer sponsored. International recognition; requires 3 years of experience as professor and/or researcher in the academic field (research during Ph.D./Master’s program counts if degree earned and research recognized as “outstanding”); requires documentation showing research achievements similar to Extraordinary Ability. Must have a job offer letter stating that teaching position is tenured or tenure-track or that research position is “permanent” (indefinite duration). Available for university positions, and for private employers with at least three (3) full-time research positions and demonstrated research achievements.
	C. Multinational Executive or Manager.	Employer sponsored. Transfer from non-U.S. entity to related U.S. entity. Must have worked abroad as manager or executive for a foreign parent, subsidiary or affiliate of U.S. company for at least 1 year within 3 years of entry into U.S. College degree not required. U.S. company must be in business for at least 1 year prior to filing of petition. Foreign entity must also continue to operate.

***NOTICE:** This chart is a summary only and does not contain all of the technical information related to these visas. For further information, please contact the following McCandlish Holton Immigration Practice Group Attorney:

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<p>Second Preference Employees (EB-2).</p> <p>PERM Labor Certification, Job Notice and Advertisement required, unless candidate qualifies for National Interest Waiver.</p> <p>Three types:</p> <ul style="list-style-type: none"> A. Exceptional Ability/National Interest Waiver B. Advanced degree professionals C. "Optional Special Recruitment" for university teaching faculty 	<p>A. Exceptional Ability in Sciences, Arts or Business. Can obtain National Interest Waiver ("NIW") of Labor Certification and Job Offer requirements by showing how alien's activities will substantially benefit the U.S. national interest (e.g., work will substantially improve U.S. economy, wages and working conditions of U.S. workers, advance scholarly knowledge in a specific area, etc.).</p>	<p>Self-sponsored. Can be self-employed. No job offer required. USCIS regulations initially require proof of <u>either</u> U.S. advanced degree (or equivalent) <u>or</u> 3 of the following 6 factors: college degree in field; 10 years' experience; recognition of achievements; high salary; licenses/certifications; or membership in professional associations.</p> <p>After this initial showing, must show that continued work is in the national interests of the U.S. This requires showing that (1) work has substantial merit and national importance (e.g., national benefits/implications beyond a particular employer), (2) well positioned to advance field based on achievements, and (3) on balance, it would benefit the U.S. to waive the requirements of a job offer.</p>
	<p>B. Professionals holding advanced degrees (M.S. M.A., J.D., M.D. Ph.D., etc.) must obtain PERM Labor Certification <u>with job offer</u>, unless qualify for a National Interest Waiver.</p>	<p>Employer sponsored. Can qualify if job requires M.S. degree or higher (or foreign equivalent); or B.A. or B.S. or foreign equivalent and 5 years of post-baccalaureate progressive experience in the specialty.</p>
	<p>C. University "Optional Special Recruitment".</p>	<p>University must sponsor. Streamlined advertising requirements for tenured or tenure track teaching faculty if labor certification filed within 18 months of university decision to hire. If outside 18 months, more extensive advertising may be required.</p>
<p>Third Preference Skilled Workers, Professionals and Others (EB-3).</p> <p>PERM Labor Certification required. Job notice and advertising required.</p>	<p>A. Skilled workers and managers. No college degree required.</p>	<p>Employer sponsored. Position must require 2 years' training or experience.</p>
	<p>B. Professionals.</p>	<p>Employer sponsored. Professionals must have B.A. or B.S. degree or its foreign equivalent in the field.</p>
	<p>C. Unskilled workers.</p>	<p>Employer sponsored. Full-time employees in jobs not requiring 2 years' experience or training.</p>
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