

Permanent Residency Employment-based Categories

There are five types of employment-based permanent residency petitions which are classified in the order of priority. These types are allocated percentages of the total world-wide yearly numerical limit. Filing requirements and a brief description of the first three categories are included.

EB-1 Priority workers

- Foreign nationals of extraordinary ability in the sciences, arts, education, business or athletics
 - Employment, employer sponsor and labor certification not required
 - Those who have risen to the top of their fields
- Foreign national that are outstanding professors or researchers
 - Employer must file petition on behalf of the applicant ; employment/job offer required; labor certification not required
 - At least three years experience in teaching or research, recognized internationally
- Foreign nationals that are managers and executives subject to international transfer to the United States, not applicable for UAF purposes

EB-2 Professionals with advanced degrees or persons with exceptional ability in the Arts, Sciences or Business

All applicants in this category:

Must have petitions filed by the employers on behalf of the applicant; employment/job offer required

Are required to have a labor certification approved by the U.S. Department of Labor

- Foreign nationals of exceptional ability in the sciences, arts or business
 - Degree of expertise significantly above that ordinarily encountered within the field
- Foreign nationals that are advanced degree professionals
 - Employer must file petition on behalf of the applicant; employment/job offer required
 - Professional must have an advanced degree beyond a bachelor's degree or a bachelor's degree and at least five years professional experience
- Qualified alien physicians who will practice medicine in an area of the U.S. which is underserved, not applicable for UAF purposes
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Amplified descriptions and requirements are provided for the EB-1 and -2 categories.

EB-1

Aliens with extraordinary ability are those with "extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation." These individuals must be one of "that small percentage who have risen to the very top of the field of endeavor," to be granted this classification. For example, receipt of a major internationally recognized award, such as a Nobel Prize, will qualify for an EB-1 classification. Other awards may also qualify if

can be documented that the award is in the same class as a Nobel Prize. Since few workers receive this type of award, alternative evidence of EB-1 classification based on **at least three of the types of evidence outlined below**, is permitted. The worker may submit "other comparable evidence" if the following criteria do not apply:

1. Receipt of lesser nationally or internationally recognized prizes or awards for excellence;
2. Membership in associations in the field which demand outstanding achievement of their members;
3. Published material about the alien in professional or major trade publications or other major media;
4. Evidence that the alien has judged the work of others, either individually or on a panel;
5. Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance to the field;
6. Evidence of the alien's authorship of scholarly articles in professional or major trade publications or other major media;
7. Evidence that the alien's work has been displayed at artistic exhibitions or showcases;
8. Performance of a leading or critical role in distinguished organizations;
9. Evidence that the alien commands a high salary or other significantly high remuneration in relation to others in the field;
10. Evidence of commercial successes in the performing arts.

Outstanding professors and researchers are recognized internationally for their outstanding academic achievements in a particular field. In addition, an outstanding professor or researcher **must have at least three years experience in teaching or research in that academic area**, and enter the U.S. in a tenured or tenure track teaching or comparable research position at a university or other institution of higher education.

Evidence that the professor or researcher is recognized as outstanding in the academic field must include documentation of **at least two of the following**:

1. Receipt of major prizes or awards for outstanding achievement;
2. Membership in associations that require their members to demonstrate outstanding achievements;
3. Published material in professional publications written by others about the alien's work in the academic field;
4. Participation, either on a panel or individually, as a judge of the work of others in the same or allied academic field;
5. Original scientific or scholarly research contributions in the field;
6. Authorship of scholarly books or articles (in scholarly journals with international circulation) in the field.

EB-2

The EB-2 classification includes:

- **members of the professions (professionals) holding advanced degrees** or their equivalent and
- **persons with exceptional ability in the sciences, arts, or business** who will substantially benefit the national economy, cultural, or educational interests or welfare of the United States

A petition for a foreign professional holding an **advanced degree** may be filed when the job requires an advanced degree (beyond the bachelor's) and the alien possesses such a degree or the equivalent. The petition must include documentation, such as an official academic record showing that the alien has a U.S. advanced degree or a foreign equivalent degree, or an official academic record showing that the alien has a U.S. bachelor's degree or a foreign equivalent degree and letters from current or former employers showing that the alien has at least 5 years of progressive post-baccalaureate experience in the specialty.

In order to be classified as having **exceptional ability in the sciences, arts, or business**, the individual must provide documentation of three of the following:

1. An official academic record showing the alien has a degree, diploma, certificate or similar award from a college, university, school or other institution of learning relating to the area of exceptional ability;
2. Letters documenting at least ten years of full-time experience in the occupation being sought;
3. A license to practice the profession or certification for a particular profession or occupation;
4. Evidence that the alien has commanded a salary or other remuneration for services which demonstrates exceptional ability;
5. Membership in professional associations;
6. Recognition for achievements and significant contributions to the industry or field by peers, government entities, professional or business organizations.

If the above standards do not apply to the petitioner's occupation, other comparable evidence of eligibility is also acceptable.

Workers with exceptional ability in the sciences, arts, or business, may apply to waive the job offer requirement if such a waiver would be in the national interest.

For additional information, visit www.uscis.gov and select Permanent Resident (Green Card) from the side menu and then Immigration through Employment at the bottom of the page.