

Summary Chart of Green Card Options - The First Three Preferences

PREFERENCE CATEGORY	DESCRIPTION	CRITERIA/SPECIAL RULES	PRIORITY DATES
EB-1 for Persons with Extraordinary Ability in the Sciences, Arts, Education, Business, or Athletics	Must demonstrate extraordinary ability in the sciences, arts, education, business or athletics through sustained national or international acclaim.	<p>Must come to the U.S. to work in the acclaimed field of endeavor.</p> <p>Exempt from labor certification.</p> <p>Might self-petition.</p> <p>Must meet at least three out of ten regulatory criteria.</p>	<p>Filing date for I-140.</p> <p>Priority date is typically current for this category since there are fewer qualified applicants.</p>
EB-1 for Outstanding Professors and Researchers	<p>Must demonstrate international recognition for your outstanding achievements in a particular academic field.</p> <p>Must be a recognized professor or researcher with at least three years of experience in teaching or research in the field.</p>	<p>Must have a job offer from petitioning U.S. employer.</p> <p>Exempt from labor certification.</p> <p>Must come to the U.S. to work in a tenured or tenure-track teaching or comparable research position at a university or other institution of higher education.</p> <p>Must meet at least two out of six regulatory criteria.</p>	<p>Filing date for I-140.</p> <p>Priority date is typically current for this category since there are fewer qualified applicants.</p>
EB-1 for Multinational Executives and Managers	Must have been employed at qualifying organization abroad as an executive or manager for at least one continuous year in the three years prior to filing the petition.	<p>Must have a job offer from a qualifying multinational petitioning U.S. employer.</p> <p>Exempt from labor certification.</p> <p>Premium processing not available.</p>	<p>Filing date for I-140.</p> <p>Priority date is typically current for this category since there are fewer qualified applicants.</p>

*This material is only a general synopsis of different nonimmigrant business visa types and is not intended to substitute as legal advice.

1

Summary Chart of Green Card Options - The First Three Preferences

PREFERENCE CATEGORY	DESCRIPTION	CRITERIA/SPECIAL RULES	PRIORITY DATES
	<p>Must work for a qualifying U.S. company in an executive or managerial capacity.</p>	<p>U.S. employer and at least one qualifying organization abroad must be conducting business for the length of stay.</p> <p>A qualifying organization includes a parent, branch, subsidiary or affiliate with common owners.</p> <p>U.S. entity must have been doing business for at least one year before petition can be filed.</p>	
<p>EB-2 for Professionals Holding Advanced Degrees or their equivalent</p>	<p>Position must require and applicant must have an advanced degree (beyond the baccalaureate).</p> <p>Alternatively, you might qualify with a bachelor's degree and 5 years of progressive work experience in the field after the degree.</p> <p>You may not use work experience to substitute for a bachelor's degree.</p> <p>This category includes a "Special Handling" option for college and university professors with classroom teaching duties.</p> <p>This category includes a narrow option for precertification under</p>	<p>Must have job offer from petitioning U.S. employer.</p> <p>Labor certification required.</p> <p>Prevailing Wage Determination required.</p>	<p>Filing date for ETA-9089 (Labor Certification).</p> <p>Whether the priority date is current depends on the applicant's country of birth.</p> <p>The priority date is typically current for this category except for nationals of China and India.</p>

*This material is only a general synopsis of different nonimmigrant business visa types and is not intended to substitute as legal advice.

2

Summary Chart of Green Card Options - The First Three Preferences

PREFERENCE CATEGORY	DESCRIPTION	CRITERIA/SPECIAL RULES	PRIORITY DATES
	Schedule A, Group I (for Physical Therapists).		
EB-2 for Individuals with Exceptional Ability in the Sciences, Arts, or Business	<p>Must demonstrate exceptional ability in the sciences, arts (including athletes and entertainers), or business.</p> <p>Exceptional ability means “a degree of expertise significantly above the ordinary” in the field.</p> <p>This category includes a narrow option for Schedule A, Group II for those with exceptional ability in the sciences or arts.</p>	<p>Must have a job offer from a petitioning U.S. employer.</p> <p>The labor certification must require a person of exceptional ability meeting the regulatory criteria such as academic record, ten years’ experience, high salary and others.</p> <p>Prevailing Wage Determination required.</p> <p>Must meet at least three out of six regulatory criteria.</p> <p>Work must substantially benefit the national economy.</p> <p>Does not require an advanced degree.</p>	<p>Filing date for ETA-9089 (Labor Certification).</p> <p>Whether the priority date is current depends on the applicant’s country of birth.</p> <p>The priority date is typically current for this category except for nationals of China and India.</p>
EB-2 for Individuals Whose Work is in the National Interest	<p>Must demonstrate that their work will be in the national interest.</p> <p>Might qualify as an advanced degree professional or an individual with exceptional ability.</p>	<p>Exempt from labor certification. Must file uncertified ETA-9089.</p> <p>Must meet the NYSDOT’s three-prong test.</p> <p>Might self-petition.</p> <p>Premium processing not available.</p>	<p>Filing date for I-140.</p> <p>The priority date is typically current for this category except for nationals of China and India.</p>

*This material is only a general synopsis of different nonimmigrant business visa types and is not intended to substitute as legal advice.

3

Summary Chart of Green Card Options - The First Three Preferences

PREFERENCE CATEGORY	DESCRIPTION	CRITERIA/SPECIAL RULES	PRIORITY DATES
	There are different NIW regulations for physicians working in underserved shortage areas.		
EB-3 for Professional Workers	<p>Position must require and applicant must have at least a bachelor's degree or equivalent.</p> <p>This category includes a narrow option for precertification under Schedule A, Group I (for Nurses).</p>	<p>Must have a job offer from a petitioning U.S. employer.</p> <p>Labor certification required.</p> <p>Prevailing Wage Determination required.</p>	<p>Earliest date that DOL accepted ETA-9089.</p> <p>Priority date is typically backlogged for this category because of high demand.</p>
EB-3 for Skilled Workers	Position must require and applicant must have at least 2 years of education, training or experience.	<p>Must have job offer from petitioning U.S. employer.</p> <p>Labor certification required.</p> <p>Prevailing Wage Determination required.</p>	<p>Earliest date that DOL accepted ETA-9089.</p> <p>Priority date is typically backlogged for this category because of high demand.</p>
EB-3 for Other Workers	Position requires less than 2 years of higher education, training, or experience.	<p>Must have a job offer from a petitioning U.S. employer.</p> <p>Labor certification required.</p> <p>Prevailing Wage Determination required.</p>	<p>Earliest date that DOL accepted ETA-9089.</p> <p>Priority date is typically backlogged for this category because of high demand.</p>

*This material is only a general synopsis of different nonimmigrant business visa types and is not intended to substitute as legal advice.

4

NOTES

Limited Number of Immigrant Visas:

- The law allocates approximately 140,000 immigrant visas per year to the above categories.
- No more than 7% of visas can be given to individuals born in a particular country annually in each category. Because there is higher demand for immigrant visas from citizens of certain countries backlogs develop.
- Visas are charged against a person's place of birth, not the place of citizenship.

Priority Date:

- The priority date is the date that the labor certification is accepted for processing.
- If no labor certification is required, the priority date is the date the I-140 petition is filed with USCIS.

Ability to Pay Wage:

- Any immigrant petition must provide evidence that the U.S. petitioning employer can pay the offered wage as of the priority date and continuing until the noncitizen obtains lawful permanent status.
- Evidence can include the annual report, federal income tax return, or audited financial statements.
- A statement from a financial officer may suffice for employers with over 100 employees.

You may qualify under several categories, or you may have significant job skills and a job offer but be unable to demonstrate there are no qualified US workers available. Work with an immigration lawyer for the best chance of success.