

# GREEN CARD PROCESS

PROCESS STEPS FOR EB-1, EB-2, AND EB-3 GREEN CARDS IN THE U.S.



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Welcome home, immigrants.

# GREEN CARDS IN THE UNITED STATES

A U.S. green card allows immigrants to gain permanent residency in the United States, either through a family-based or employment-based sponsorship.

The process of international relocation is difficult enough – not to mention that within each path to a green card, the process of getting it can be quite complex – so we've put together this guide to explain all of the various terms and steps you need to know to successfully apply for your green card! Here, we will describe the different categories within the employment-based path to see which one applies most to you.

Read on for an exhaustive overview of the employment-based green card process in the U.S.



A grayscale image of the Statue of Liberty, centered in the background. The statue is shown from the waist up, holding a torch in her right hand and a tablet in her left. The background is a dark, cloudy sky.

# EMPLOYMENT-BASED GREEN CARDS

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Before you begin your employment-based green card application it's imperative that you know and understand the different EB green card types, so that you apply for the correct one based on your situation and needs.



Note that the employment-based green card process steps can only be started and driven by your employer, meaning you cannot self-sponsor it.

As you probably already know, there are other ways to obtain a green card, such as the green card lottery. However, in this guide, we focus on Employment-Based Green Card categories and processes.

"EB" stands for "employment-based," and each number following "EB" notes the preference of each category:

- **EB-1 is the first preference**
- **EB-2 is the second preference**
- **EB-3 being the third preference**

There are also EB-4 and EB-5 categories, yet these do not fall under the preference system of the first three employment-based categories.

# EB-1 VISA FOR PRIORITY WORKERS

EB-1 visas (first preference category) apply to individuals who have extraordinary abilities, are outstanding researchers or professors, or show evidence of some “sustained national or international acclaim.” One example of this would be a Nobel Peace Prize winner or an executive or manager of foreign companies.

Only a few applicants fall under this qualification, but if this category applies to you, then you’re in luck! Individuals under EB-1 eligibility typically experience the quickest application process for a green card.



# EB-2 VISA FOR ADVANCED DEGREES

This category is for those who have advanced degrees, exceptional ability in the sciences, arts, or business, or a National Interest Waiver.

**Advanced Degrees** are considered to be a U.S. master's degree or higher (or the foreign equivalent), or a U.S. bachelor's degree plus an additional 5 years of experience within the specialty.

**Exceptional Ability** in the sciences, arts, or business means "a degree of expertise significantly above that ordinarily encountered" within those fields. This is based on a number of criteria, of which you must meet at least three:

- Degree or award from an institution of learning relating to your area of exceptional ability
- Letters documenting at least 10 years of full-time experience in your occupation
- A license to practice your profession or certification for your profession or occupation
- Evidence a salary or other remuneration that demonstrates exceptional ability
- Recognition of your significant contributions to your industry or field
- Membership in a professional association(s)
- Other comparable evidence

## National Interest Waiver

National Interest Waiver (NIW) is for those who request that the PERM/Labor Certification (stage 1 of the green card process steps) be waived because it is in the interest of the United States. There is no defined qualification for an NIW, but they are typically granted to those who have exceptional abilities.

# EB-3 VISA FOR SKILLED WORKERS, PROFESSIONALS, OR OTHER WORKERS

Last up, is the third preference category for those who have jobs that don't apply to the first two categories. For each of these worker categories, the work performed must be one of which there are not enough qualified workers already available in the United States.

- **Skilled Workers** must be able to demonstrate at least 2 years of job experience or training
- **Professionals** must possess a U.S. baccalaureate degree or foreign degree equivalent
- **Other Workers** must be able to perform long-term unskilled labor



# OTHER EMPLOYMENT-BASED GREEN CARD CATEGORIES

In addition to the first three employment-based preference categories, there are two additional preference categories (EB-4 and EB-5).

**EB-4 Visas** are for “special immigrants” such as religious workers, broadcasters, or armed forces members

**EB-5 Visas** are typically for entrepreneurs who make a commercial enterprise investment and plan to create or preserve 10 permanent full-time jobs for qualified U.S. workers. This preference category is also known as the Immigrant Investor Program.

## What if I Qualify for Multiple Categories?

Typically, the smaller the reference number (excluding EB-4 and EB-5), the easier the experience you will have with attaining your green card. If you qualify for both EB-2 and EB-3 visas, you should consider what country you are applying from to determine what category to apply under.

Those who are applying from highly-populated countries, such as from China or India may want to apply for an EB-2 visa over an EB-3 visa due to the shorter wait time. Yet, the approval for an EB-2 visa can be more difficult than obtaining approval for an EB-3 visa.



# PROCESS & PROCESSING TIMES

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Now that you know which employment-based green card category you fall under, you can begin the actual steps to attaining your green card status.

# 3 STAGES OF GREEN CARD PROCESSING

## STAGE 1:

PERM/LABOR CERTIFICATION STAGE

PERM stands for “Program for Electronic Review Management” and is the process where your employer shows proof that you (a foreign worker) are not taking away jobs qualified US workers. This green card step can be done by showing proof, such as a newspaper advertisement, that the employer was unsuccessful in recruiting a qualified U.S. worker for the position.

## STAGE 2:

I-140 IMMIGRATION PETITION

The I-140 Petition serves two purposes. First, it verifies that the job requirements on the PERM application are met by the applicant and, second, it verifies that the employer is able to pay the offered wages to the employee.

## STAGE 3:

I-485 APPLICATION TO ADJUST STATUS

After the PERM/Labor Certification and your I-140 petition have been approved by the USCIS, the last step is completing the actual green card application.

# PROCESSING TIMES

For the most part, EB green cards' processing times will depend on the service center where your petition is processed. The total processing time also depends on the steps in the process that need to be completed.



1

## I-140

All EB green cards require a Form I-140. The processing time of this form usually takes around 6 months. The USCIS offers a premium processing service for Form I-140 which brings the processing time down to 15 calendar days.

2

## EB-1A, 1B, & 1C

Generally speaking, processing for the EB-1A, EB-1B, and EB-1C takes up to 6 months due to the I-140 processing time. EB-1A processing will be quick because it does not require a PERM labor certificate. 15 Day Premium Processing is available for a fee.

3

## EB-2

On average, it takes about 6 months to process your form I-140. If you have to go through PERM Labor Certification, it can even take up to 8 months to 2 years. You can expedite your Form I-140 processing through premium processing.

4

## EB-3

As with the EB-2, it takes about 6 months to process your form I-140. If you have to go through PERM Labor Certification, it can even take up to 8 months to 2 years. You can expedite your Form I-140 processing through premium processing.

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## I-485

After you have waited for your priority date (which time period will depend on the country you are from) you have to file your Form I-485. The processing time for your Form I-485 is also around 6 months, depending on your service center.



## Next Steps

It goes without mentioning that the green card process can be incredibly long depending on your type of eligibility and the country you are applying from. Yet, if you are planning to live your life in the United States, then a green card is your best solution to gaining permanent resident status.

But with the proper understanding of the different employment-based green card options and how the process for each works, you are now better-equipped to begin your green card journey.

# Additional Reading

The preceding information and more is all available on the Stilt Blog. For additional reading on the topic of green cards, check out any of the links below:

- [Guide to Getting Your I-551 Stamp in the U.S.](#)
- [How to Update Your SSN after Getting a Green Card](#)
- [What You Need to Know about Ph.D. Green Cards](#)
- [Guide to the Employment Based Green Card Interview](#)