

Summary of Employment Based Categories for U.S. Permanent Residency Commonly Used in the Academic Environment

Subject to an annual numerical limitation, family and employment-based (EB) immigrants to the United States may obtain permanent residence status according to a hierarchy of "preferences." In the employment-based category there are at least four preferences; higher preference categories (as determined by Congress) have more visa numbers available (i.e. people of "extraordinary ability" vs. unskilled workers) and, in turn, within the preference system there is an annual number of immigrant visas allowed to any given country. Therefore, higher levels of immigration from a particular country might in a 'visa year' surpass the number of visas available in a given category within the preference system, thus creating in some cases long waiting lines.

Category	Referred to as:	Eligibility Criteria to Qualify	Requires Permanent Job Offer	Comments
<u>First Preference (EB-1)</u> <i>Priority Workers</i>	"Extraordinary Ability"	<ul style="list-style-type: none"> Evidence of the above-normal ability and of having risen to the very top of the field of endeavor (Nobel Prize). Individual must meet at least 3 of 10 defined criteria. 	NO	Because it is the most selective category, fewer individuals qualify and the category is not usually oversubscribed.
	Outstanding Professors and Researchers	<ul style="list-style-type: none"> Evidence of international recognition for outstanding academic achievements in a particular field. Individual must meet at least 2 of 6 defined criteria. 	YES	Less strict standard to meet but still not usually a category oversubscribed.
	Multinational Executives and Managers	Not commonly used in the academic environment		
<u>Second Preference (EB-2)</u> <i>Professionals with advanced degrees or with exceptional ability</i>	Members of the professions holding an advanced degree OR	<ul style="list-style-type: none"> Individual possesses Master's degree or above Job requires Master's degree or above Individual must meet at least 3 of 6 defined criteria. Requires approved Alien Labor Certification to show unavailability of U.S. worker to fill the position. 	YES	Alien Labor Certification adds a third step to the process. Requires DOL prevailing wage determination and involves lengthy and uncertain test of job market.
	"National Interest Waiver" Alien of exceptional ability in the sciences, arts, or business whose work is in the national interest of the U.S.	<ul style="list-style-type: none"> Evidence of significant contribution to the U.S. according to national interests. If the "national interest" standard is met, Alien Labor Certification is waived. Individual must meet extraordinary ability criteria. 	NO	
Third Preference (EB-3) <i>Skilled or Professional Workers</i>	Professionals	<ul style="list-style-type: none"> Individual possesses baccalaureate degree or above Job requires baccalaureate degree as the minimum requirement to practice. Usually requires Alien Labor Certification. Alien Labor Certification waived for "shortage occupations" (such Registered Nurses and Occupational Therapists) 	YES	Registered Nurses and Physical Therapists must have a diploma and U.S. license to practice for a 'blanket' ALC approval.
	Skilled Workers	Minimum two years of training and experience	YES	Long backlogs and therefore many years of expected waiting.
	Unskilled Workers	Not relevant in the higher education academic environment		
Fourth and Fifth Preference (EB-4 / EB-5)	Special immigrants not designated for academic uses.			

Find detailed information at: <http://www.uscis.gov/greencard>