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Employment-Based Permanent Residence Preference Categories

Annually, 140,000 immigration visas are available for principal aliens (dependents and spouses are not subject to numerical limitations) who qualify under the following five employment-based ("EB") preference categories:

EB-1 Priority Workers

40,000 visas per year

- EB-1 (a) Aliens of extraordinary ability in the sciences, arts, education, business, or athletics must demonstrate sustained national or international acclaim.
- EB-1 (b) Outstanding professors or researchers. 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 tenure or tenure track teaching or comparable research position at a university or other institution of higher education.
- EB-1 (c) Certain managers and executives (for at least one out of the past three years) transferred to the United States to work for their foreign employer or a U.S. affiliate or subsidiary firm. The petitioning employer must have been doing business in the U.S. for at least one year

An individual of extraordinary ability is one who belongs to that "small percentage" who have "risen to the very top of the field of endeavor". No recruiting of United States workers necessary, thus no LCA required. May self-petition, do not need to be employer sponsored.

EB-2 Advanced Degree Professionals and Aliens of Exceptional Ability

40,000 visas per year

- Aliens of exceptional ability in the sciences, arts, or business.
- Members of the professions, if they hold an advanced degree (or the equivalent).

Generally requires a Master's degree or a Bachelor's Degree and 5 years experience who Lab who because of their exceptional ability in the sciences, arts, or business will substantially benefit the national economy, cultural, or educational interests or welfare of the United States. Labor Certification is generally required. The category can include National Interest Waiver for Physicians in Underserved Areas.

EB-3 Skilled Workers, Basic Degree Professionals and Other Workers ("Unskilled")

40,000 visas per year

- Professionals with bachelor's degrees (not qualifying for a higher preference category)
- Skilled workers (requires minimum two years training and experience).
- Unskilled workers (maximum 10,000 visas available per year, of which 5,000 have been dedicated to adjustees under the Nicaraguan Adjustment and Central American Relief Act (NACARA). **Other workers** are in positions that require less than two years of higher education, training, or experience. However, due to the long backlog, a petitioner could expect to wait many years before being granted a visa under this category.

Labor certification is required.

EB-4 Special Immigrants – Religious Workers

10,000 visas per year

Religious workers includes:

- Ministers (those authorized to conduct worship services and perform other duties assigned to the clergy of the religion)
- Religious workers in professional fields
- Other religious workers.

Limit on admissions: Until September 30, 2008, up to 5,000 EB-4 immigrant visas may be made available each fiscal year to religious workers who are not ministers. Ministers are not subject to this limit.

Note: SUNSET of Provision--After September 30, 2008, religious workers other than ministers will no longer qualify as EB-4 immigrants. Ministers will still qualify after September 30, 2008.

To qualify as an EB-4 special immigrant religious worker, you must be a member of a religious denomination that has a non-profit religious organization in the United States. You must have been a member of this religious denomination for at least two years before applying for admission to the United States.

EB-5 Immigrant Investors

10,000 visas per year

- Alien entrepreneurs whose new commercial enterprises will directly create 10 or more new jobs in the U.S.; 3,000 visas reserved for investors in targeted employment areas and 300 for Immigrant Investor Pilot Program.

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