



WILLIAMS MULLEN®

**BUSINESS & EMPLOYMENT-BASED  
PERMANENT RESIDENCE ("Green Cards")\***  
**Williams Mullen Immigration Practice Group**

VISA CATEGORY	DESCRIPTION	CRITERIA/SPECIAL RULES
<p><b>First Preference Priority Workers (EB-1).</b></p> <p>Petition filed with United States Citizenship &amp; Immigration Service ("CIS"). Labor Certification (PERM) not required. The employer does not have to post a notice of the job vacancy or advertise the position in a local or national newspaper or trade publication. Three types: A. Extraordinary Ability B. Outstanding Researcher/ Professor C. Multinational Executive or Manager</p>	<p>A. Persons of Extraordinary Ability in business, sciences, arts, education or athletics.</p>	<p>Sustained national/international acclaim; extensive documentation. Must intend to continue work in area of extraordinary ability. No job offer required. Can be self-employed. Must show receipt of major prize (Nobel) <b>OR</b> 3 of following: lesser prizes; membership in prestigious societies; published material about alien; work judging the work of others; significant contributions to field; authorship of scholarly articles; display of work; employment in leading or critical capacity; high salary; other.</p>
	<p>B. Outstanding Researcher or Professor.</p>	<p>International recognition; 3 years experience as teacher and/or researcher in the academic field; requires documentation showing research achievements of alien similar to Extraordinary Ability. Must have a job offer letter stating that teaching position is tenured or tenure-track or that research position is permanent. Available for university positions, and for private employers with demonstrated research achievements.</p>
	<p>C. Multinational Executive or Manager.</p>	<p>Transfer from non-U.S. entity to related U.S. entity. Must have worked abroad as manager or executive for at least 1 year within 3 years immediately preceding admission for a foreign parent, subsidiary or affiliate of U.S. company. College degree not required. U.S. company must be in business for at least 1 year prior to filing of petition.</p>

**NOTICE: This chart is a summary only and does not contain all of the technical and legal information related to these visas. [www.williamsmullen.com/immigration](http://www.williamsmullen.com/immigration)  
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PAGE TWO ("GREEN CARD GUIDE" )

<p><b>Second Preference Employees (EB-2).</b></p> <p>Petition filed with USCIS in U.S. Labor Certification (PERM), Job Notice and Advertisement required, unless candidate qualifies for National Interest Waiver. Three types:  A. Exceptional Ability/ National Interest Waiver</p>	<p>A. <b>Exceptional Ability</b> in Sciences, Arts or Business. Can obtain National Interest Waiver ("NIW") of Labor Certification and Job Offer requirements by showing how alien's activities will substantially benefit national interest (work will substantially improve: U.S. economy, wages and working conditions of U.S. workers, education and training programs for U.S. children, health care, environment, use of natural resources, scientific pursuits, etc.).</p> <p>National Interest Waiver (NIW) also applies to foreign physicians working in medically underserved areas for at least 5 years.</p>	<p>USCIS Regulations require proof of 3 of the following 6 factors: college degree in field; 10 years experience; recognition of achievements; high salary; licenses; or membership in professional associations. Must show that work is in the national interest, <u>and</u> that advertising to find a qualified U.S. worker would not be in the national interest.</p>
<p><b>Second Preference Employees (EB-2).</b></p> <p>B. Advanced degree professionals</p> <p>C. "Optional Special Recruitment" for university teaching faculty</p>	<p>B. <b>Professionals holding advanced degrees</b> (M.S. M.A., J.D., M.D. Ph.D., etc.) must obtain Labor Certification and job offer.</p> <p>C. <b>University "Optional Special Recruitment"</b>. University can prefer foreign candidate over other candidates meeting minimum qualifications for the position.</p>	<p>Can qualify with M.S. degree or foreign equivalent; or B.A. or B.S. or foreign equivalent and 5 years of post-baccalaureate progressively responsible experience in the specialty.</p> <p>For tenured or tenure track teaching faculty. Must file labor certification (PERM) within 18 months of university decision to hire.</p>
<p><b>Third Preference Skilled Workers, Professionals and Others (EB-3).</b></p> <p>Petition filed with USCIS. Labor Certification (PERM) required.</p>	<p>A. <b>Skilled workers and managers.</b> No college degree required.</p>	<p>Position must require 2 years training or experience.</p>
<p>PERM, I-140 Petition.</p>	<p>B. <b>Professionals.</b></p>	<p>Professionals must have B.A. or B.S. degree or its foreign equivalent in the field. Cannot substitute work experience for college degree.</p>
<p>PERM, I-140 Petition</p>	<p>C. <b>Unskilled workers.</b></p>	<p>Jobs do not require 2 years exp. or training.</p>
<p><b>Schedule A, Group I</b></p>	<p>A. Physical Therapists  B. Registered Nurses  C. Exceptional Ability Aliens</p>	<p>Current quota is exhausted. No PERM required. File I-140 EB-2 Petition and I-485 Adjustment of Status or Consular Process at U.S. Embassy. RNs and Physical Therapist require Visa Screen from CGFNS or FCCPT.</p>
<p><b>EB-5 Regional Center</b></p>	<p>Usually requires \$500,000 investment in a pre-approved Regional Center which has been determined to create 10 direct or indirect jobs in a rural or high unemployment area.</p>	<p>2 year conditional permanent residence, then permanent residence. Investor does not have to be involved in management of enterprise. Investment funds can be loan if not collateralized by assets of Regional Center Project.</p>
<p><b>EB-5 Individual</b></p>	<p>Requires \$500,000 (rural or high unemployment area) or \$1 million investment in enterprise that will directly create 10 jobs for U.S. workers. Can buy existing business if expands business net worth or number of employees by at least 40%. Investment funds can be a loan if enterprise is not collateral.</p>	<p>Investor must establish policies or otherwise manage the investment. Can delegate day-to-day management to manager. 2 year conditional permanent residence, then permanent residence.</p>