



# THE ABCS OF GREEN CARDS

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# INTRODUCTION

For many foreign nationals coming to the U.S., their goal is to one day become an American citizen. But before becoming a citizen, they need to become a permanent resident, a process that involves securing a green card.

There are many ways to get a green card, but foreign nationals working in the U.S. typically secure employment-based green cards.

From the employer perspective, employment-based (EB) green cards are valuable from an acquisition standpoint, as they can help attract and retain foreign talent.

Why?

Foreign nationals don't like dealing with anxiety that may arise during the visa process. As such, there is a view that employment-based green cards are mutually beneficial for organizations and their sponsored workforce. Foreign nationals get the peace of mind that comes with becoming a permanent resident, while their employers maximize their competitive edge and promote national economic growth.

In this guide, *The ABCs of Green Cards*, you will find everything you need to know about employment-based green cards, from the different EB categories available to foreign nationals, to common phrases to help you throughout the process.



# WHAT IS A GREEN CARD?

A green card is officially known as a Permanent Resident Card. By having a green card, individuals are allowed to live and work permanently in the U.S.

Individuals who have a green card are also referred to as Lawful Permanent Residents (LPR).



# BENEFITS OF A GREEN CARD

In addition to being able to permanently live and work in the U.S., lawful permanent residents enjoy many other benefits.

These include:

- Eventual ability to pursue U.S. citizenship after meeting the legal requirement
- Additional legal rights
- Can collect Social Security after a period of time
- Can sponsor certain relatives for their own green card

## Types of Employment-based Green Cards

There are three types of employment-based (EB) green cards.

- 1 EB-1: Priority Workers**
- 2 EB-2: Advanced Workers**
- 3 EB-3: Skilled or Other Workers**

# EB-1: PRIORITY WORKERS

## Who's Eligible

- 1 Workers of extraordinary ability
  - ▶ These are individuals with extraordinary expertise in the **sciences, arts, education, business or athletics**. The beneficiary must be nationally or internationally known for their achievements.
- 2 Outstanding university professors or researchers
  - ▶ Higher learning educators held in high esteem in the international academic community for their achievements.
  - ▶ Accomplished researchers in private companies that employ at least three full-time researchers.
- 3 Executives or managers of multinational companies



### DID YOU KNOW?

The EB-1 green card is one of the more desirable options. It does not require companies to complete the **PERM labor certification process**, which can often be a complex and time-intensive process.

# EB-1 - PRIORITY WORKERS

## Validity Period



INITIAL STAY

**Indefinite**



RENEWALS

Physical green card  
needs to be renewed

**Every  
10 years**



**Special  
Note**

Green card holder is eligible to apply for citizenship after five years, assuming he/she is not married to a U.S. citizen.

## Government Fees

**Application filing fee for I-140: \$555**

**Application filing fee for I-485: \$1,130**

**Premium processing:** Expedited application processing is **only available for the extraordinary ability and outstanding researcher EB-1 green card** category. It's not available for EB-1 multinational manager or executives.

Employers can pay the **\$2,500 premium processing fee** and USCIS will adjudicate the EB-1 petition **within 15 calendar days**. This means USCIS will either approve, issue a request for evidence (RFE) or deny the petition **within 15 calendar days**.



## Dependents

Individuals may concurrently file green card applications for their spouse and child/children (typically under 21 years of age), along with their green card application. While the green card applications are pending, any dependent may apply for work and travel authorization.

## Employer Document Checklist

- Job description
- Copy of company letterhead
- Financial statements or annual report
- Catalogs, brochures, or other types of marketing literature

## Employee Document Checklist

- Hard copy of passport photos
- Form I-94
- Passport
- Visa stamp
- All previous Form I-797 Approval Notices
- Documentation evidencing beneficiary's extraordinary ability or managerial duties
- Payroll paycheck stubs for the last two pay periods
- Resume or curriculum vitae
- Diplomas and/or professional certifications
- Written confirmation of work experience and skills obtained with past employers
- Form I-693, Medical Exam
- W-2
- Birth certificate
- Marriage or divorce certificate\*
- Military record\*
- Criminal record\*
- Most recent federal income tax return

\*If applicable

**!** Since supporting documentation for green cards can vary widely, consult an attorney for a personalized checklist.



## KEY EMPLOYER TAKEAWAYS

- !** EB-1 green cards require a very specific candidate whose achievements are nationally and internationally renowned, so qualifying candidates are rare.
- !** Most green card holders are eligible for citizenship after five years.



# EB-2: ADVANCED WORKERS

## Who's Eligible

- 1 Professionals who hold advanced degrees
  - ▶ Example: Master's degrees OR bachelor's degrees and five years of post-bachelor's work experience
- 2 Foreign nationals with exceptional ability in the **sciences, arts or business**
- 3 Professionals whose work benefits the national interest of the U.S.




### SPECIAL NOTE

The PERM process is designed to test the labor market to ensure there are no ready, willing and able U.S. workers who could qualify for the job offer.


# EB-2 - ADVANCED WORKERS

## Validity Period



INITIAL STAY


**Indefinite**



RENEWALS

Physical green card needs to be renewed

**Every 10 years**



**Special Note**

Green card holder is eligible to apply for citizenship after five years.

## Government Fees

**Application filing fee for I-140: \$555**

**Application filing fee for I-485: \$1,130**

**Premium processing:** This service is available for one stage of the EB-2 green card application process that is filing Form I-140. However, it's not available for other portions of the application, including the PERM labor certification process.

Employers can pay the **\$2,500 premium processing fee** and UCIS will adjudicate the EB-2 petition **within 15 calendar days**. This means USCIS will either approve, issue a request for evidence (RFE) or deny the petition **within 15 calendar days**.



## Dependents

Individuals may concurrently file green card applications for their spouse and child/children (typically under 21 years of age), along with their green card application. While the green card applications are pending, any dependent may apply for work and travel authorization.

# EB-2 - ADVANCED WORKERS

## Employer Document Checklist

- Job description
- Copy of company letterhead
- Financial statements or annual report

## Employee Document Checklist

- Hard copy passport photos
- Form I-94
- Passport
- Visa stamp
- All previous Form I-797 Approval Notices
- Payroll paycheck stubs for the last two pay periods
- Resume or curriculum vitae
- Diplomas and/or professional certifications
- Transcripts or marksheets
- Education evaluation, if the degree or diploma is not from the U.S.
- Written confirmation of work experience and skills obtained with past employer(s)
- Form I-693, Medical Exam
- W-2
- Birth certificate
- Marriage or divorce certificate\*
- Military record\*
- Criminal record\*
- Most recent federal income tax return

\*If applicable

**!** Since supporting documentation for green cards can vary widely, consult an attorney for a personalized checklist.



## KEY EMPLOYER TAKEAWAYS

- !** Most EB-2 green cards require the employer to undergo a mandatory recruitment process to ensure there are no ready, willing and able U.S. workers who are qualified for the position.
- !** When describing the job, as part of the labor certification process, employers must clearly articulate the minimum requirements for the position as holding a master's or bachelor's degree, plus five years of progressive experience.

# EB-3: SKILLED OR OTHER WORKERS

## Who's Eligible

- 1 Professionals with a bachelor's degree or foreign equivalent who are filling a role that requires a college degree. Examples include: **teachers, architects and engineers.**
- 2 Skilled workers include foreign nationals with at least two years of training or work experience who may or may not hold a college degree.
- 3 Other or unskilled workers are those filling a job that requires less than two years of training or experience. Examples include: **nannies, housekeepers, groundskeepers and nurse's aides.**




### SPECIAL NOTE

The EB-3 casts the widest net in terms of who qualifies. As a result, it has the largest processing backlog. Additionally, the PERM labor certification process is required to complete the application.


# EB-3 - SKILLED OR OTHER WORKERS

## Validity Period



INITIAL STAY


**Indefinite**



RENEWALS

Physical green card needs to be renewed

**Every 10 years**



**Special Note**

Green card holder is eligible to apply for citizenship after five years.

## Government Fees

**Application filing fee for I-140: \$555**

**Application filing fee for I-485: \$1,130**

**Premium processing:** This service is available for one stage of the EB-3 green card application process, filing Form I-140 Immigrant Petition for Alien Worker. However, it's not available for other portions of the application, including the PERM labor certification process.

Employers can pay the **\$2,500 premium processing fee** and USCIS will adjudicate the EB-3 petition **within 15 calendar days**. This means USCIS will either approve, issue a request for evidence (RFE) or deny the petition **within 15 calendar days**.



## Dependents

Individuals may concurrently file the green card applications for their spouse and minor children along with their green card application. While the green card applications are pending, any dependent may apply for work and travel authorization.



# COMMON TERMS AND PHRASES

## Employer Document Checklist

- Job description
- Copy of company letterhead
- Financial statements or annual report
- Catalogs, brochures, or other types of marketing literature

## Employee Document Checklist

- Hard copy passport photos
- Form I-94
- Passport
- Visa stamp
- All previous Form I-797 Approval Notices
- Payroll paycheck stubs for the last two pay periods
- Resume or curriculum vitae
- Diplomas and/or professional certifications
- Transcripts or Mark sheets
- Education evaluation, if the degree or diploma is not from the U.S.
- Written confirmation of work experience and skills obtained with past employer(s)
- Form I-693, Medical Exam
- Birth certificate
- Marriage or divorce certificate\*
- Military record\*
- Criminal record\*
- Most recent federal income tax return

\*If applicable

**!** Since supporting documentation for green cards can vary widely, please consult an attorney for a personalized checklist.



## KEY EMPLOYER TAKEAWAYS

- !** The EB-3 is the most common employment-based green card category. As such, it's in higher demand than the EB-1 or EB-2. Due to demand, there may be a lengthy average approval waiting period that can vary because of per-country allotments.
- !** An EB-3 green card requires the employer to undergo mandatory recruitment to ensure there are no ready, willing and able U.S. workers who are qualified for the position.
- !** The green card holder may be eligible to apply for citizenship after five years.

## Applicant

The person applying for the visa or green card petition. Often the employer sponsors the visa or green card for the foreign national. At times, this person is also called the petitioner.

## EB-1: Priority Workers

A green card category available to priority workers with extraordinary expertise in the sciences, arts, education, business or athletics. This classification is also available to outstanding professors or researchers and multinational managers or executives.

Testing the labor market through the Program of Electronic Review and Management (PERM) Labor Certification process is necessary for select green card categories, such as the EB-2 and EB-3. The three sub-categories within the EB-1 green card are exempt from this process.

## EB-2: Advanced Workers

A green card category available to foreign nationals who meet the criteria for a position which requires exceptional ability in the sciences, arts or business, or those that require an advanced degree, such as master's degrees or bachelor's degrees and five years of post-bachelor's work experience.

In addition, individuals can qualify for an EB-2 if they are seeking a National Interest Waiver.

## EB-3: Skilled or Other Workers

A green card category available to skilled workers and professionals looking to fill a job position that requires a bachelor's degree or foreign equivalent. Unskilled workers who perform positions that are not temporary or seasonal in nature are also eligible.

## Labor Certification

Department of Labor certification required for U.S. employers seeking to recruit individuals for, among other things, professional, skilled or unskilled positions for which there are no qualified, authorized workers available in the U.S. PERM recruitment is a step of the green card application process that tests the labor market to ensure there are no qualified U.S. citizens available to perform the job duties for which an employer is seeking to sponsor an FN for legal permanent residency.

## Lawful Permanent Resident

Any person who is not a citizen of the U.S. but is residing in the U.S. under a legal permanent status — also called green card holder.

## PERM Labor Certification

A step of the green card application process that tests the labor market to ensure there are no qualified U.S. citizens available to perform the job duties for which an employer is seeking to sponsor an FN for legal permanent residency.

## Permanent Resident Card (Green Card)

Issued by the USCIS, this card serves as evidence a foreign national has permanent resident status. Also called green cards, some contain no expiration date; however, most are valid for 10 years.

## Premium Processing

This is an expedited adjudication process for an additional fee requiring USCIS to take action within 15 business days of receiving a petition for certain visas or certain parts of the green card application process.

## Prevailing Wage

The hourly wage or salary paid to the majority of workers within a particular area. This is used during the green card application's PERM requirement or in other non-immigrant work authorization categories to establish a fair working wage that doesn't undercut U.S. workers in a given position.

## Priority Date

The date a PERM application or EB-1 I-140 is filed with a government agency, or the date which an employer on the FN's behalf. This date is often used as a placeholder to signify how long an FN has to wait until his or her green card application is filed.

## Processing Time

The time it takes a visa or green card to complete processing. Once accepted for processing, a work visa may take months; however, green cards can span years due to backlogs.

## Receipt Notice

An official notice from USCIS, the DOS or another government agency with an alpha-numeric designation establishing official receipt of the work visa or green card application.

## Recruitment

Describes the actions required during the PERM process that tests the labor market within a given area to determine there are no qualified U.S. workers available to perform the job duties.

It usually requires placing a job order on the DOL's website, employer's website and in a Sunday print publication and other outlets.

## Request for Evidence (RFE)

A notice sent by USCIS informing visa applicants that there wasn't enough information provided or that they need more clarification in the application in order to make a determination. Employers and FNs must resend the requested information to USCIS in order for their visa to be approved. Failure to do so may result in a visa denial.

## Visa Bulletin

A monthly update issued by the DOS highlighting application filing dates and final action dates for specific family and employment-based green card categories. Certain countries have long backlogs due to the amount of green card petitions received each year and per-country allotments.

For example, if the final action date is 01SEP07 it means USCIS is processing applications that have a priority date before September 1, 2007. If the FN's priority date is prior to the filing date, it is possible to move forward with the next step in the green card process — an adjustment of status (I-485) application.

## Additional Resources

[On-Demand Webinar: PERM Recruitment 101: What Is It and Tips to Succeed](#)

[On-Demand Webinar: Navigating the Visa Bulletin and Other Green Card Trends](#)

**Want to get in touch? [Contact us here!](#)**





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