

BUSINESS & EMPLOYMENT-BASED PERMANENT RESIDENCE ("Green Cards")*

McCandlish Holton PC

VISA CATEGORY	DESCRIPTION	CRITERIA/SPECIAL RULES
<p>First Preference Priority Workers (EB-1).</p> <p>Labor Certification not required. The employer does not have to post a notice of the job vacancy or advertise the position.</p> <p>Three types:</p> <ul style="list-style-type: none"> A. Extraordinary Ability B. Outstanding Researcher/Professor C. Multinational Executive or Manager 	A. Persons of Extraordinary Ability in business, sciences, arts, education or athletics.	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) OR 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.
	B. Outstanding Researcher or Professor.	International recognition; 3 years experience as professor 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 at least three (3) full-time research positions and demonstrated research achievements.
	C. Multinational Executive or Manager.	Transfer from non-U.S. entity to related U.S. entity. Must have worked abroad as manager or executive for a foreign parent, subsidiary or affiliate of U.S. company for at least 1 year within 3 years of entry into U.S. College degree not required. U.S. company must be in business for at least 1 year prior to filing of petition. Foreign entity must also continue to operate.

NOTICE: This chart is a summary only and does not contain all of the technical information related to these visas. For further information, please contact The McCandlish Holton Immigration Practice Group Attorneys, Mark B. Rhoads (mrhoads@lawmh.com) 804-775-3824, Helen L. Konrad (hkonrad@lawmh.com) 804-775-3825, Jennifer Minear (jminear@lawmh.com) 804-775-3822, Dan Pringle (dpringle@lawmh.com) 804-775-3823, Andrea Rahal (arahal@lawmh.com) 804-775-3826. Fax (804) 249-9595, 1111 E. Main St, Suite 1500, Richmond, Virginia 23219; P.O. Box 796, Richmond, Virginia. 23218; www.lawmh.com.

<p>Second Preference Employees (EB-2).</p> <p>PERM Labor Certification, Job Notice and Advertisement required, unless candidate qualifies for National Interest Waiver.</p> <p>Three types:</p> <p>A. Exceptional Ability/ National Interest Waiver</p> <p>B. Advanced degree professionals</p> <p>C. "Optional Special Recruitment" for university teaching faculty</p>	<p>A. Exceptional Ability 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>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 harm national interest.</p>
	<p>B. Professionals holding advanced degrees (M.S. M.A., J.D., M.D. Ph.D., etc.) must obtain PERM Labor Certification with job offer, unless you qualify for a National Interest Waiver.</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 progressive experience in the specialty.</p>
	<p>C. University "Optional Special Recruitment".</p>	<p>Streamlined advertising requirements for tenured or tenure track teaching faculty if labor certification filed within 18 months of university decision to hire. If outside 18 months, more extensive advertising is required.</p>
<p>Third Preference Skilled Workers, Professionals and Others (EB-3).</p> <p>Labor Certification required. Job notice and advertising required. PERM processing can reduce processing times.</p>	<p>A. Skilled workers and managers. No college degree required.</p>	<p>Position must require 2 years training or experience.</p>
	<p>B. Professionals.</p>	<p>Professionals must have B.A. or B.S. degree or its foreign equivalent in the field.</p>
	<p>C. Unskilled workers.</p>	<p>Full-time employees in jobs not requiring 2 years experience or training.</p>

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