

Under the EB-2 category the immigration laws of the United States make it easier for certain foreign nationals to obtain employment-based permanent residence. Some foreign nationals in the EB-2 category are also exempt from the **Labor Certification (PERM)** requirement and may proceed directly to the filing of a residency petition. Because Immigrant Visas (Green Cards) in the EB-3 category for **Professionals & Other Workers**, which includes foreign nationals coming to the United States to fill positions requiring two or more years of training, education, or experience up to Bachelor's degree, are now backed up several years, United States employers should look into a prospective foreign worker's eligibility under the EB-2 category since Immigrant Visas (Green Cards) in the EB-2 category are still available. Employers will be surprised to learn that it is easier than they might think to qualify a prospective foreign worker under the EB-2 category. Let **Perez & Associates**, with our over 25 years of experience, evaluate whether you or a prospective foreign worker qualifies for an Immigrant Visa (Green Card) under the EB-2 category. Call for an office or telephone conference, or request a **Case e-Valuation**.

The foreign nationals who can take advantage of the EB-2 category include the following:

- ▶ Persons with advanced academic degrees, such as a Master's degree or a Doctorate, coming to the United States to fill a position that requires the advanced degree;
- ▶ Persons with a Bachelor's degree and at least five years of progressive experience in the specific area of employment coming to the United States to fill a position that requires a Master's degree;
- ▶ Person's whose employment in the United States is in the national interest of the United States; and
- ▶ Persons of exceptional ability.

Professionals with Advanced Degrees

The EB-2 category is open to international professionals with advanced degrees. The job must require, and the foreign national must possess, an academic or professional degree above the level of a U.S. Bachelor's degree or the equivalent foreign degree. A foreign national who does not hold a sufficient degree may still qualify for an EB-2 visa if he or she has a Bachelor's degree plus a minimum of five years of progressive experience in the area of employment. This alternative means of satisfying the advanced degree requirement only applies to specialties that require a Master's degree. Experience cannot serve as a substitute for the Bachelor's degree, and it does not apply to positions that customarily require a Doctorate.

National Interest

Foreign nationals can qualify under the EB-2 category, and will not be required to obtain a **Labor Certification (PERM)**, if the work the foreign national will do in the United

States will be in the national interest of the United States. To prove eligibility for the national interest waiver, the petition must demonstrate that:

- (1) the foreign national's employment will be in a field of substantial intrinsic merit;
- (2) will provide benefits that are national in scope; and
- (3) will serve the national interest to a substantially greater degree than would an available U.S. worker with the same minimum qualifications.

Persons of Exceptional Ability

Another EB-2 category is designed for foreign nationals with expertise in the arts, sciences, or business that is significantly above the ordinary. To qualify, the foreign national must possess at least three of the following six credentials:

1. An official academic record showing that the foreign national has a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability;
2. At least 10 years of full-time experience in the relevant occupation;
3. A license to practice the profession or certification for a particular profession or occupation;
4. Evidence that the foreign national has commanded a salary or other remuneration for services that demonstrated exceptional ability;
5. Membership in professional associations; or
6. Recognition for achievements and significant contributions to the field by peers, governments, or other organizations.

Where the above credentials do not apply to a specific occupation or field, other comparable evidence can be submitted.