

Under current law most employment based applications for Lawful Permanent Residence (Green Card) will apply under the **EB-3**. The **(EB-3)** category includes applications based on permanent positions with United States employers in jobs that require at least two years of training, education, or experience. It is important to note that unlike the **H-1B** category for temporary employment, which only applies to positions with United States employers that require a four year college degree or its equivalent, the **EB-3** category includes positions that do not require a college degree. The residency process in the **EB-2** category involves three steps. While the employment-based residency process is a complex process, with **Perez & Associates'** decades of experience and success in this specialized area of Immigration Law, we make the process seem easy for both the United States employer and the employee.

STEP 1: LABOR CERTIFICATION

The first step, **Labor Certification (PERM)**, requires the testing of the United States labor market to make sure that if the foreign worker is permitted to take the offered position he or she is not taking the job away for a United States worker who wants the position and satisfies all of the minimum requirements for the position. This is a unique process that is undertaken with the United States Department of Labor and is explained in more detail on the page of this web site dedicated to the Labor Certification process.

STEP 2: RESIDENCY PETITION

Once the Labor Certification has been issued by the United States Department of Labor, the next step is the filing of a residency petition by the United States employer. The goal of the petition is a determination by the United States Citizenship and Immigration Services (CIS) that the foreign national is eligible for Lawful Permanent Residence (Green Card) in the **EB-3** category. To obtain an approval the employer must show (1) that they have obtained a Labor Certification for the position from the United States Department of Labor, (2) that the foreign national meets or exceeds all of the requirements for the position as set out in the application for Labor Certification, (3) and that the United States employer had the financial ability to pay the offered wage as of the date the application for Labor Certification was filed. Under a recently established process it is now possible to get these petitions approved in as little as two weeks.

STEP 3: RESIDENCY APPLICATION

If the foreign national is legally inside the United States when the petition is approved the foreign national and his or her spouse and unmarried children under 21 may file applications for Lawful Permanent Residency (Green Card). With the filing of these applications all the applicants become eligible for employment and travel authorization.

If the foreign national is outside the United States the Citizenship and Immigration Services will forward the file to the United States Department of State (DOS). DOS will send out the documents and forms that must be completed before an Immigrant Visa interview will be scheduled in the foreign national's country of birth or last residence. When the Immigrant Visa is granted the foreign national is free to travel to the United States. Upon arriving in the United States the foreign national becomes a Lawful Permanent Resident.