

Permanent Residency / Green Card

This information is an overview of the process for obtaining a green card. Please contact Guichard, Teng & Portello to schedule an appointment to discuss your specific situation.

EB-1

Priority Workers / Persons of Extraordinary Ability

EB-1 preference is available for people with extraordinary ability in sciences, arts, education, business or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation; and seek entry to continue work in the area of extraordinary ability; and their entry will substantially benefit prospectively the U.S. The legislative history indicates among other things that this category is intended to be “for the small percentage of individuals who have risen to the very top of their field of endeavor.”

EB-2

Members of Professions Holding Advanced Degrees and Aliens of Exceptional Ability

EB-2 preference is available to members of the professions holding advanced degrees or their equivalent, or who because of their exceptional ability in the sciences, arts or business will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States and whose services are sought by an employer in the U.S. can benefit from this category. The position must require a member of the professions holding an advanced degree and the person must possess an advanced degree as shown by a master’s degree or its equivalent in education and work experience.

EB-3

Professionals, Skilled, and Other Workers

EB-3 preference is available for professionals with a baccalaureate degree (or foreign university equivalent) who are members of the professions; skilled workers with full-time permanent jobs requiring at least two years training or work experience (relevant post-secondary education may be considered as training; and other workers who are foreign nationals with less than two years of training and work experience.

Please note that a labor certification is needed for all third preference categories.

EB-4

Special Immigrants / Religious Workers

EB-4 preference is available to a foreign national who “has been a member of a religious denomination having a bona fide, nonprofit, religious organization in the United States” for at least two years immediately preceding the time of the application, and who seeks to enter the U.S. solely to carry on his or her vocation as a minister.

EB-4 preference is also available to a foreign national who, before October 1, 2008, seeks to work in a professional capacity in a religious vocation or occupation or to work for an organization or affiliate in a religious vocation or occupation; and S/he has been carrying on such vocation, professional work or other work continuously for at least a two-year period.

EB-5

Employment Creation / Investors

EB-5 preference allows for conditional residency for persons who, after November 29, 1990, invest \$1,000,000 (or under certain circumstances \$500,000) in a new commercial enterprise that employs ten United States citizens or authorized immigrant workers full-time and engages in the business through day-to-day management or policy formation. This represents approximately 7.1% of worldwide visas per year, 3000 are set aside for “targeted employment areas.” The conditional residency can be lifted after two years.

DV-1

Green Card Lottery

The Congressionally mandated Diversity Immigrant Visa Program makes available 50,000 diversity visas (DV) annually, drawn by random selection from among all entries submitted by persons who meet strict eligibility requirements and who are from countries with low rates of immigration to the United States.

The law and regulations require that every diversity visa entrant must have at least a high school education or its equivalent, or have, within the past five years, two years of work experience in an occupation requiring at least two years of training or experience.