

**A. EB-2 SECOND PREFERENCE – EMPLOYMENT BASED IMMIGRATION
ADVANCED DEGREE PROFESSIONAL**

This is an immigrant visa wherein the beneficiary worker obtains green card and permanent residence upon approval. The two subcategories for the EB-2 classification are: workers who are members of professions holding advanced degrees or their equivalent, and workers, who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the US economy, cultural or educational interests, or welfare of the United States. This category also includes athletics.

This category basically requires for the employer to first obtain a Labor Certification (PERM) from the Department of Labor. Those individuals from other countries, except India and China, were allowed to file their petitions and applications immediately after getting the Labor Certification without having to wait for numerical availability. The immediate availability of this category will continue for individuals from most countries. Spouses and children below 21 years of age and not married are qualified to obtain green cards if accompanying the main beneficiary.

EB-2 process begins with labor certification if required. The petitioning employer must file the I-140 Form, Immigrant Petition for Alien Worker. The Form I-140 should also include the approved labor certification.

This first sub-category of the Second Preference category requires that to qualify as a member of the professions, you must have an advanced degree or the equivalent in education and experience and the position must require, at a minimum an advanced degree or the equivalent. To be considered to have an equivalent to a Master's Degree, you must have at least a bachelor's degree and at least five years of progressive work experience in the field. Any US employer can file a petition if the job requires an advanced degree (degree beyond baccalaureate) and the alien possesses the requisite degree. As an alternative to the advanced degree, a worker may qualify if he or she has a baccalaureate and five years of progressive experience in the field.

For workers with exceptional ability, the worker must show that s/he has a degree of expertise significantly above the ordinary. The worker must provide at least three of the following forms of evidence:

- (a) Official academic record, showing a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability;
- (b) At least ten years of full time experience in the occupation with letters from current and past employers;
- (c) License to practice the profession or certification to practice;
- (d) Evidence that the alien's salary or remuneration evidences exceptional ability;
- (e) Membership in professional associations;
- (f) Recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional organizations;
- (g) Or other comparable evidence.

To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!