

B. EB-3 THIRD PREFERENCE – EMPLOYMENT BASED IMMIGRATION SKILLED WORKERS

“Skilled workers” are persons whose job requires a minimum of 2 years training or work experience, not of a temporary or seasonal nature. You must be performing work for which qualified workers are not available in the United States. Labor certification and a permanent, full-time job offer required.

The second sub-category of the Third Preference category is available for Skilled Workers. To qualify, you must have at least 2 years of training or experience, or have a combination of education and experience that is equivalent to a Bachelor’s Degree, and have a U.S. employer offering you a full time position which requires those types of skills or degree.

The primary issues that occur here result from conflict between the employer’s belief that the position does require two years and Department of Labor guidelines on specific vocational preparation that show the position requires less. Therefore this issue will be resolved before the application is submitted to the USCIS.

This employment based preference category requires that your employer must first obtain Labor Certification (PERM) from the Department of Labor. A specific job offer is required in the Third Preference Employment Based category. Moreover, after having received a Labor Certification, your employer (petitioner) must file for an Immigrant Petition. You may file for adjustment of status or proceed with consular processing when your visa becomes numerically available. Under USCIS regulations, whether a position involves skilled labor is determined by reference to the Department of Labor approved labor certification. But because of the backlogs, you- being in this preference category must wait for many years for your visa to become available. Skilled workers from countries like India, Philippines, and Mexico, unfortunately, have to wait even longer.

The process can be extremely detailed and requires significant effort on the part of the employer. 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!