

## EB2 Visa Guide: Everything You Need to Know About the EB2 Visa

The EB2 visa is a powerful immigration option for people with exceptional ability or advanced degrees. Through the EB2 visa you can obtain a U.S. green card (permanent residence) based on having a job offer from a U.S. company.

In this guide, I will explain the important details of the EB2 visa. If you have any questions, feel free to email me directly at [Info@immigrationlawfirmltd.com](mailto:Info@immigrationlawfirmltd.com). I am very responsive via email and would be happy to help you.

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## **1. What is the EB2 visa?**

The EB2 visa is a green card option available to those with exceptional ability or advanced degrees. There are three categories under EB2. The EB2-A category is for those who hold advanced degrees. The EB2-B category is for those with exceptional ability. The EB2-C category is for people for whom their permanent residence is in the national interest of the United States.

The EB2 visa is a second preference employment visa. This means that 28.6% of total employment-based (EB) visas will be allocated for EB2 visas. You should be aware that even with this, there will be more visa applicants than visas available each year. Approximately 40,000 EB2 visas will be given each year. Additionally, no more than 7% of EB2 visas can go to applicants from one country. This means that if you are a national of a country with many applicants, the wait to receive a visa will be longer. There is no advantage to applying for an EB2 visa at a specific time of year. EB2 visas are granted each month. Therefore, unlike other visas such as the H-1B where you must apply on a specific date, you can apply for an EB2 visa at any time.

More information about each of these categories, and the EB2 visa overall, will be discussed later in this guide. Additionally, my team and I would be happy to answer any other questions about the EB2 visa.

## 2. EB2 Visa Benefits

**There are many benefits to the EB2 visa. Here are just a few:**

**You can have legal permanent residency in the United States.**

The EB2 visa allows qualified individuals to gain legal permanent residence in the United States. Having permanent residence in the United States gives you many benefits. Some of these benefits include in-state college tuition, easier travel, and more stability in your immigration status. It also puts you on the track for potential US citizenship.

**The process is relatively fast.**

The EB2 visa is the fastest path to permanent residency for many people. The processing times for the EB2 visa will be discussed later in Section 8: "How long does it take to get an EB2 visa?"

**Your spouse and dependent children are eligible to come to the United States.**

Your spouse is eligible for E-21 status and your unmarried children under 21 are eligible for E-22 status. Your children are eligible to attend school and your spouse, after completing the Employment Authorization Documents, is eligible to work in the United States.

### **3. EB2 Visa Requirements**

There are many requirements for an EB2 visa. Additionally, depending upon the category, the requirements will vary. My team and I would be happy to help you determine if you satisfy these requirements.

**The requirements for the EB2A category are:**

**You must have an advanced degree or its equivalent.**

This requires that you have a master's degree or above. If you have only a bachelor's degree, you must have at least 5 years of work experience in progressively more difficult positions.

**You must have a valid job offer.**

You must have a valid job offer from a US company willing to sponsor you.

**The job offer must be in the field where you have an advanced degree.**

The job must be in the same field as your academic/professional experience.

**The requirements for the EB2B category are:**

**You must have exceptional ability. This can be in the sciences, arts, or business. This is shown by meeting at least three of the following requirements:**

- - An academic degree in the field
  - 10 years of full-time experience in the field
  - License or certificate to practice in the field
  - A salary suggestive of exceptional ability
  - Membership in a professional association related to the field
  - Recognition in the field from experts
  - Other comparable evidence of exceptional ability

**You must have a valid job offer.**

You must have a valid job offer from a US company willing to sponsor you.

**The job offer must be in the field where you have exceptional ability.**

The duties of the job must involve the area where you have exceptional ability.

**The requirements for the EB2C category are:**

**You must meet three of the following requirements:**

- - An academic degree in the field
  - 10 years of full-time experience in the field
  - License or certificate to practice in the field
  - A salary suggestive of exceptional ability
  - Membership in a professional association related to the field
  - Recognition in the field from experts
  - Other comparable evidence of exceptional ability

**You must demonstrate that granting you an EB2 visa is in the national interest of the United States.**

This means that you must have the capability to benefit the United States if you were granted an EB2 visa. Unlike the EB2-A and EB2-B visas, you do not need to have a valid job offer. In addition, unlike the other two, you do not need a sponsor. You can file a petition on your own behalf for an EB2-C visa. This also means that you do not need to fill out the PERM labor certification.

#### **4. EB2 Visa process**

There are several steps involved in the EB2 visa application process. The following is a general list of the EB2 visa application process. Each step will then be discussed in more detail. My team and I would be happy to answer any questions you have about this process.

**These steps include but are not limited to:**

- Permanent Labor Certification
- Complete and submit Form I-140
- Final Green Card Interview (either at US Consulate or with USCIS)

#### **PERM Labor Certification**

Both the EB2A and EB2B visas require an employer sponsor to submit your application. You can submit your own petition for the EB2C visa and can skip this step. However, if you are applying for an EB2A or EB2B visa, your sponsor must fill out a PERM labor certification.

The purpose of the PERM labor certification is to protect US workers and the US job market. You must have an approved PERM labor certification before you can submit any other documents. This is done by submitting Form ETA 9089 to the Department of Labor.

Before you can submit your PERM labor certification, you must do several things. Firstly, there must be a valid job offer from the company to the beneficiary. Secondly, the company must obtain a prevailing wage determination. This states the bare minimum that the company must pay the beneficiary. Thirdly, the company must prove that there are no qualified American workers for the job.

This third step requires the most work. Firstly, you must submit a job order to the State Workforce Agency (SWA). This job order must be available for at least 30 days. You must place an advertisement for the job on 2 consecutive Sundays in a newspaper. This newspaper must be widely circulated in the job area. One of these Sunday advertisements can be replaced if you put an ad in a relevant professional journal.

You must also advertise in at least three of the following:

- At job fairs
- On your website
- On other job search websites
- On school campuses
- Through professional organizations
- Through private firms
- Through referral programs

- In campus career offices
- In other newspapers
- On radio or television

You must keep all documents related to your PERM labor certification application for up to 3 years. This is in case you are selected for an audit.

### **Complete and submit Form I-140**

After receiving notice that your PERM labor certification is approved, the petitioner needs to submit Form I-140. This should be filed with US Citizenship and Immigration Services (USCIS). The appropriate USCIS service center will depend on the location of the employer.

Along with Form I-140, you should submit all filing fees and other relevant documents. Filing fees will be discussed in Section 6: “What fees are required for an EB2 visa?”. Relevant documents will be discussed in Section 5: “What documents are required for an EB2 visa?”.

### **Interview with USCIS or a US Consulate**

If your Form I-140 is approved by USCIS, you will receive Form I-797. This means that you are allowed to apply at a US consulate for an EB2 visa. You will receive an EB2 priority date. The exact date will depend on how many other people are also applying for an EB2 visa. Once your date arrives, you will schedule and go to an interview at a US consulate or if you are lawfully present inside the US, you will apply for an adjustment of status.

The US consular officer will interview you. They will ask questions about what you will be doing in the United States to confirm your eligibility. If you are approved, you will be able to go to the United States as a permanent resident under an EB2 visa.

Again, if you are already in the United States when your EB2 priority date becomes current, the process is slightly different. Once your Form I-140 is approved and your EB2 priority date arrives, you will submit Form I-485. This form deals with changes of status relating to permanent residence. Form I-485 will also be submitted to USCIS. Once USCIS approves Form I-485, you will be able to have EB2 permanent resident status in the United States.

## **5. What Documents are Required for an EB2 visa?**

There are many documents that may be required for an EB2 visa application. The following is a general list. However, the specific forms that you will need will depend on your specific situation. My team and I would be happy to help you determine which documents would be appropriate for your situation.

- Evidence of academic degrees
- Articles or publications by or about you
- Letters from experts in the field
- Copies of contracts between the employer and beneficiary
- Letters from current or previous employers
- Evidence of grants or patents

## 6. What Forms are Required to Apply for an EB2 Visa?

There are several forms that are required for an EB2 visa. Some of which are discussed below. My team and I would be happy to answer any questions about these forms. We would also be happy to assist you with any of these documents.

### Form ETA-750

Form ETA-750 is the Application for Alien Employment Certification. This form is submitted as part of the PERM labor certification. It must be approved before you can submit a petition. The only time Form ETA-750 does not need to be completed is if you are filing for a national interest waiver (EB2-C). This form is completed by the US employer. Approval means that the job is not hurting any American workers. For more information about Form ETA-750, click [here](#).

### Form I-140

Form I-140 is the Immigrant Petition for Alien Workers. This form is filed by the US employer on behalf of the beneficiary. The only time a beneficiary may fill out this form is if they are filing for the national interest waiver (EB2-C) and are filing as a self-petitioner. For more information about the Form I-140, click [here](#).

## 7. EB2 Visa Fees

There are several fees associated with the EB2 visa application process. These fees are correct as of the publishing of this guide, but are subject to change. Please note that most of these are paid for by the petitioner, not the beneficiary.

- I-140 filing fee: \$700
- I-485 filing fee (if applicable): \$750-\$1140, depending on age
- Biometrics fee (if applicable): \$85
- DS-260 filing fee (if applicable): \$230
- Premium processing fee (if applicable): \$1440
- Other costs (including photocopying, translation, and lawyer fees): vary on a case-by-case basis

## 8. EB2 Visa Processing Time

The overall time it takes to process your EB2 visa application will depend on many factors. Some of these factors include when you apply, what your country of origin is, and your specific case. You should usually receive your PERM labor certification response in around 6 months after filing. However, if you are subject to an audit, this process can be delayed by around a year. For this reason, it is important you take as many precautions as possible for your PERM labor certification to be successful.

Next, your petition (Form I-140) will need to be processed and approved. This usually takes about six months, but in some cases, you can pay for premium processing. This guarantees that you will hear a response within 15 days. After this, you must wait for your priority date to interview with a consular or USCIS officer. For some countries, you can go as soon as your petition is returned. For other countries, your date may be several years in the future. In particular, those born in China and India should expect longer waits. Therefore, while the time can vary widely. The EB2 visa application process

can take between one to several years. My team and I would be happy to provide more information on the expected timeline for your individual situation.

## **9. Conclusion**

The EB2 is a green card category available to those with exceptional ability or advanced degrees. It is a good option for qualified individuals hoping to get permanent resident status. You should now have a much stronger understanding of many aspects of the EB2 visa, including its benefits, requirements, and application process.

If you have any questions about anything discussed in this guide or about the EB2 visa in general, feel free to email me directly at [Info@immigrationlawfirmltd.com](mailto:Info@immigrationlawfirmltd.com). I am very responsive via email and I would be happy to help you.