

EB3 Visa Guide: Everything You Need to Know About the EB3 Visa

The EB3 visa is a pathway to a green card for qualified foreign workers sponsored by a U.S. employer. The EB3 visa allows someone to obtain a green card based on getting sponsored by a U.S. company. To obtain a green card, your company must go through the labor certificate PERM process.

In this guide, I will walk you through several important aspects of the EB3 visa process. I will also show you how you can utilize this visa to get a green card to live in the United States.

If you have any questions, feel free to email me directly at Info@immigrationlawfirmllc.com. I'm very responsive via email and I would be happy to help you.

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1. What is the EB3 Visa?

The EB3 visa grants permanent residency (a green card) to qualified individuals. You may be eligible for an EB3 visa if you are a skilled worker, unskilled worker, or professional. Approximately 40,000 EB3 visas are available each year.

The EB3 visa is a third preference employment visa. Thus, the requirements are less strict than EB1 and EB2 green card visas. However, it may also mean that the wait times are longer. Presently, 28.6% of the employment green card are allocated for EB3 visas. This accounts for about 40,000 EB3 visas granted each year. Additionally, no more than 7% of approved EB3 visas can go toward the same people from any given country. This means that if you are applying from a country with many applicants, the wait times may be longer. Nationals from India and China in particular should expect longer wait times.

While the fiscal year begins on October 1st, there is no advantage to applying at any time in the year. You can submit an EB3 visa application at any time. The EB3 visa, like most green cards, is valid for 10 years. You can renew the visa if needed at that point.

My team and I would be happy to answer any questions about the EB3 visa. We would also be happy to assist both petitioners and beneficiaries with the EB3 visa application process.

2. What are the Benefits of the EB3 Visa?

There are many benefits to receiving an EB3 visa. Here are just a few:

- You can have permanent residency in the United States (U.S. Green Card).
The EB3 visa gives qualified individuals permanent resident status in the United States. There are many benefits to being a permanent resident. Some of these include having the ability to change employers and to travel more freely.
- The requirements are less strict than those for many other permanent resident visas.
The EB3 visa has less strict requirements than either the EB1 or the EB2 visas. This means that some people who may not qualify for these other visas may be eligible for the EB3 visa.

- Your spouse and dependent children can come to the United States with you.

Under the EB3 visa, your spouse and any dependent children can come with you. Dependent children are any unmarried children of yours under the age of 21. While in the United States, your children can attend school and your spouse, after completing their Employment Authorization Documents or obtaining their green card, can work.

3. What are the EB3 Visa Requirements?

The EB3 visa is available to three categories of workers: professionals with a U.S. bachelor's degree or foreign equivalent recognized by USCIS, skilled workers with at least two years of job experience or training, and unskilled workers performing jobs that require less than two years of training.

There are several requirements for the EB3 visa. The following conditions must be satisfied in order for you to be approved for an EB3 visa. My team and I would be happy to help you determine if you satisfy these requirements.

You must meet the employment criteria.

The EB3 visa is open to professionals, skilled workers, and unskilled workers. Professionals are those with a bachelor's degree or equivalent who will be working in a job where a bachelor's degree is the norm. You may not use experience or other education as a substitute for this degree. Skilled workers are those with at least 2 years of job training or experience. Unskilled workers are those performing jobs that require less than 2 years of training. Additionally, these jobs must be permanent in nature.

There must not be qualified American workers.

In order for your EB3 visa to be approved, you must not hurt any American workers. This means that you cannot take a job that an American worker could and would do. For this reason, you must have an approved labor certification to prove you meet this qualification. I will explain the labor certification process in more detail below.

There must be a valid job offer.

A US employer willing to sponsor the beneficiary must have extended a valid job offer to the foreign national. The US employer must be able to prove there are no American workers who could and would do the job. This is shown through the labor certification. The US employer must have a valid employer-employee relationship with the beneficiary. This means that the employer must be able to pay and supervise the beneficiary.

To qualify for an EB3 green card, you must have a valid job offer from a U.S. employer, meet the education or work experience requirements, and go through the labor certification process proving no qualified U.S. workers are available for the role.

4. What is the EB3 Visa Application Process?

The EB3 visa application process has several steps. They will be listed below. Following that, there will be a more detailed explanation of each step. My team and I would be happy to provide more information about any of the items below. We would also be happy to assist you with this process.

- Labor certification
- I-140 Petition
- Form DS-261
- Medical
- Visa application
- Visa interview
- Arrival in the United States

Labor Certification

The first step in the EB3 visa application process is done by the US employer.

The US employer must get a labor certification from the Department of Labor after applying for a prevailing wage determination.

The Labor Certification is done to prove there are no US workers for the job. It also asserts that the employer will pay the beneficiary the prevailing wage (that was granted by the Dept. of Labor) for the position.

This is done by filing Form ETA-9089 with the Department of Labor. This form has information about the employer, the wages, the job duties, the beneficiary, and, if applicable, the attorney/agent.

You will also likely be required to demonstrate that you actively recruited for the job before hiring the beneficiary. This proves there are no qualified and willing American workers. There are several steps involved in the recruiting process. This includes submitting a job order with the State Workforce Agency (SWA). It also involves advertising in newspapers, professional journals, job fairs, campus fairs, professional organizations, websites, private employment firms, employment referral programs, radios, television stations, and/or other applicable locations.

You must have an approved labor certification from the Dept. of Labor before you can submit an I-140 petition with USCIS. Note that PERM audits, which occur in about 20–30% of cases, can delay this step by 6–12 months.

I-140 Petition

Once the labor certification is approved, the US employer can submit a petition on behalf of the beneficiary. The petition will be filed with United States Citizenship and Immigration Services (USCIS). This is done by submitting Form I-140.

The petition contains information about the EB3 visa category, the petitioner, the beneficiary, and the job. The employer should also include financial information to demonstrate their ability to pay the beneficiary.

USCIS will make a decision on the petition. If your petition is not approved, the beneficiary will not receive an EB3 visa. If the petition is approved, a notice will be sent to the National Visa Center (NVC) if the beneficiary is abroad and not applying for an adjustment of status.

The NVC will determine the priority date for the visa. There is a limit on the number of visas that can be approved each year, which means there might be a waiting list. You will not be allowed to proceed with the visa application process until your priority date arrives. More information about this can be found in Section 8: EB3 Visa Processing Time: How Long Does It Take?

If your petition is approved and your priority date is current, you will receive a notice. At this point, the beneficiary must complete several steps if he or she is abroad. T

Form DS-261

Firstly, the beneficiary must complete Form DS-261. This is the Online Choice of Address and Agent. This is to be completed online. It provides information about the beneficiary and informs the US Embassy in his or her home country that he or she is applying for an EB3 visa. You will receive a confirmation notice once this has been processed. You must receive the confirmation notice before you can make a visa appointment at your local US Embassy.

Medical

The beneficiary is also responsible for getting a medical examination. You must go through an approved NVC doctor. This ensures that you have all vaccinations and health records to ensure that you are safe to enter the United States.

Visa Application

The beneficiary must also submit several documents to their US Embassy. This is done after you have received a confirmation notice regarding Form DS-261. You should submit your approved labor certification, your approved I-140 petition, and your approved DS-261. You should also submit your passport, medical records, job contract, academic records, resume, criminal records, and a photograph. Some individuals may be notified by NVC that other documents will also be required. More information about the necessary documents for an EB3 visa application will be discussed in Section 5: "What documents are needed for the EB3 visa application process?"

Once you submit these documents, you will need to schedule an appointment with your US embassy.

Visa Interview

After submitting all other documents, you will be scheduled to have an interview with a US consular officer. During this interview, the documents you provided will be examined. Additionally, you may be asked questions about your background and the work you will be doing in the United States. The consular officer will use this information to determine if you should be approved for an EB3 visa.

Arrival in the United States

If the consular officer approves your application, you will be granted an EB3 visa. This means that you can come to the United States as a green card resident. You will be able to work in the United States and have the responsibilities of a US permanent resident.

5. What Documents are Needed for the EB3 Visa Application Process?

There are many documents that may be needed during an EB3 visa application process. The following is a general list. The specific documentation needed depends on your individual situation. You may not need some of the documents below. Alternatively, you may also want to include documents not listed below. My team and I would be happy to help you determine which documents would be appropriate for you.

You should keep a record of all the documents you submit. You should keep all documents related to your application for up to 3 years. This is because you may need to submit them if you are subjected to an audit. Some audits are random, so anyone can be selected.

- Written contract between the US employer and beneficiary
- Valid passports for the beneficiary and any dependents
- Photographs
- Medical and vaccination records
- Academic records
- Previous work experience records

- Criminal records
- Acknowledgement of significant awards or honors

6. What Forms are Needed for the EB3 Visa Application Process?

Several forms are required throughout the EB3 visa application process. These will be discussed in more depth in this discussion. My team and I would be happy to provide more information about any of these forms. We would also be happy to help you in preparing any of these documents.

Form ETA-9089

Form ETA-9089 is the Application for Permanent Employment Certification. This form must be approved by the Department of Labor before you can file a petition for an EB3 visa. This form provides information about the employer, the job, and the beneficiary. This form ensures that no American workers are hurt by the hiring of the beneficiary. It also ensures that the beneficiary will be treated fairly in the United States. If this form is not approved, you may not continue with the EB3 visa application process. For more information about Form ETA-9089, click [here](#).

Form I-140

Form I-140 is the Immigrant Petition for Alien Workers. This form serves as your petition for your EB3 visa. USCIS will use the information provided in this form to determine if you meet the conditions for an EB3 visa. The form contains information about the petitioner, the beneficiary, and the job. For more information about Form I-140, click [here](#).

Form DS-261

Form DS-261 is the Online Choice of Address and Agent. This form is filed by the beneficiary. This form is used to inform your US Embassy that you want to

begin the visa application process. You may not continue with the visa application process until you receive a confirmation notice about Form DS-261. For more information about Form DS-261, click [here](#).

7. What are the EB3 Visa Fees?

The total cost for the EB3 visa varies depending on your case and who is paying each fee (employer or beneficiary). Below is a breakdown of the main costs:

There are several fees associated with the EB3 visa application. The following fees are correct as of publishing. However, they are subject to change and you should confirm that the fees have not changed. You should also acknowledge which fees are paid by the US employer and which are paid by the beneficiary.

- I-140 Petition filing fee: \$700
- DS-261 processing fee: \$445
- Other fees including medical examination, translations, photocopying, etc.: vary on a case by case basis

What is the EB3 Approval Rate?

The EB3 visa has historically had a strong approval rate when applications are filed correctly with proper documentation. According to USCIS data from FY 2023–2024, the approval rate for Form I-140 petitions under EB3 is around 85% or higher. However, approval can be impacted by issues such as employer financial's, incomplete paperwork, inconsistencies in the job offer, or consular discretion.

8. EB3 Visa Processing Time: How Long Does It Take?

The EB3 total processing time depends on a variety of factors. These factors include which USCIS Service Center you use, what country you are from, and your individual application. For most applicants, the EB3 visa process can take 1 to 4 years depending on your country of origin, priority date, and USCIS processing times. This time period can be as short as around a year, but it can also take up to several years. In particular, nationals of India and

China should expect longer wait times. If you want a better estimate on how long your particular case will take, my team and I would be able to provide that. The priority date, determined by the I-140 filing date, dictates when you can proceed based on the Visa Bulletin's cutoff dates.

Is the EB3 Green Card Hard to Get?

While the EB3 visa has less strict requirements than EB1 and EB2 visas, it can still be competitive. Applicants must go through a rigorous PERM labor certification process, demonstrate they meet job qualifications, and wait for their priority date to become current. Applicants from countries with high demand, such as India or China, may face longer wait times, which can make the process more difficult. Errors in documentation or PERM audits can further complicate approval.

9. Frequently Asked Questions

EB3 vs. H1B: Which is Better?

The EB3 visa provides a path to a green card and permanent residency, while the H1B is a temporary non-immigrant visa with a maximum duration of 6 years (extendable in certain cases). The H1B allows for quicker employment in the U.S. but is subject to a lottery and time limits. In contrast, the EB3 visa is more secure long-term but involves a lengthier process and strict labor certification requirements. If your goal is permanent residency, the EB3 visa is typically the better choice. However, the H1B may offer a faster route to working in the U.S. temporarily.

10. Conclusion

The EB3 visa is a visa that grants permanent residency to qualified individuals. You should now have a much stronger understanding of the various aspects of the EB3 visa, including the EB3 visa benefits, requirements, and application process.

If you have any questions regarding the information discussed in this guide or about the EB3 visa in general, please feel free to email me directly at Info@immigrationlawfirmllc.com. I am very responsive via email and my team and I would be happy to help you.