

Permanent Residency, EB-1 and EB-2

There are 4 categories of employment-sponsored permanent residency. The two that apply to employment at NWRA are the EB-1 (Employment Based, category 1) and the EB-2.

EB-1: This visa is for “Aliens with extraordinary ability in the 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. You must be one of that small percentage who have risen to the very top of the field of endeavor to be granted this classification.”

The EB-1 is an *employee* petition and it is granted on a subjective basis. The petitioner must prove their value by representing their training, awards, publications, status in the field, etc. One attorney’s rule of thumb for the EB-1 is 20 years’ experience, numerous awards and an international reputation. The fees for this petition can be paid entirely by the employee.

EB-2: “Professionals with advanced degrees or persons with exceptional ability.” In this case the *employer* is the petitioner. In lieu of the extensive proof required for the EB-2, the employer must certify that no US workers are available to fill the position. This is demonstrated in part by advertising in several locations for the position and then a PERM Labor Certification is filed certifying that the required steps have been followed. All of the costs for this first step in the process, including the attorney fees and advertising costs, are to be paid by the employer. There are two additional steps in the process that can be paid completely by the employee.