

Overview

Permanent immigration in the U.S. comes with a variety of rights and privileges. One of the most widely used methods to obtain permanent immigration is through employment. There are five classifications for employment-based immigration.

Preliminary Considerations

If you have a job offer from a U.S. employer, you may get a green card through employment. Your education and work experience must match the job description. There must be no American applicants for the position you have been offered. However, in certain worker categories where a Labor Certification is not required, it is irrelevant whether there are American candidates for your position.

Types of Employers

The employer or the company who is sponsoring you does not have to be American so long as the employer or the company is qualified to do business in the United States. The employer may be a company, an institution, an organization, an individual or an agent.

Employer's Responsibility During the petitioning process, the employer must supply financial records to the U.S. Citizenship and Immigration Service (CIS). The sole purpose for these records is to ensure that the business has sufficient funds to pay your wages. The employer must guarantee to pay you the market wage for your position during the time you are actually employed. The employer is not required to assume any further financial responsibility. The employment is at-will, meaning that you can be fired at any time.

Beginning Date of Employment

If you have a nonimmigrant work visa, you are probably already working for your employer. Otherwise, only when your green card application is approved, can you begin employment. **The Process**
THE LABOR CERTIFICATION APPLICATION: The first step is for the employer to file a Labor Certification application under the Program Electronic Review Management System (PERM.) Please visit our Labor Certification web page to learn more.
THE PETITION: After the Labor Certification is approved, the employer must file an "Immigrant Petition for an Alien Worker" with USCIS along with the approved Labor Certification and other specified documentation.
GREEN CARD APPLICATION: Adjustment of Status: If you are already in the United States, an adjustment of status application may be filed concurrently with the petition but if the category is not current according to the visa bulletin, then only the petition is filed and the immigrant waits for a visa number to become available.
Consular Processing: If you are outside the United States, the Law Offices of Evelyne M. Hart will prepare the consular documentation for your Employment-Based Green Card to be filed with the consulate in your country.

Job Offer

Some types of workers need a specific job offer. Some do not. Priority Workers, also known as people of "extraordinary ability" and "exceptional ability" do not need a specific job offer. There are 5 preference categories. Please click on the left menu to learn more about each category.