

EB 1 Visa

A First Preference Immigration Petition (EB-1) is an employment-based petition for permanent residence reserved for those who are among the most able and accomplished in their respective fields within the arts, sciences, education, business, or sports. There are three (3) types of EB-1 petitions:

1. Alien of Extraordinary Ability EB-1A
2. Outstanding Researcher/Outstanding Professor EB-1B
3. Managers and Executive Transferees EB-1C

The most notable advantage for those who qualify for an EB-1 petition is the lack of a Labor Certification requirement. Another advantage is that visa numbers are almost always current for the EB-1 category. This means that an alien will not have to wait for visa numbers to become available before adjusting status and receiving a Green Card.

Obtaining a Labor Certification is a time-consuming and expensive process that seeks to determine whether sufficient able, willing, and qualified U.S. worker are available to fill the position sought by the alien. In addition to the time and expense of the Labor Certification process, an alien risks being denied a Labor Certification if any U.S. workers with the minimum technical qualifications for the employment is found (even if the alien is actually more suitable for the position based on factors not considered in the Labor Certification process).

In an EB-1 petition, Labor Certification is not required at all. In an EB-1A petition, a permanent job offer is not required, and an alien may petition for immigration benefits by himself/herself. However, in EB-1B and EB-1C petitions, a permanent job offer is required. In other words, a U.S. employer must be the petitioner for EB-1B or EB-1C cases.