

I-140: Immigrant Petition for Alien Worker for Green Card

Written by Tiya pLC

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1. An applicant with a pending green card case, who is in the U.S., should still consult with a competent immigration attorney to apply for a non-green card work visa even if the U.S. Citizenship and Immigration Services has issued and approved his/her I-765 Application for Employment Authorization (EAD); and has a pending or approved I-140 Immigrant Petition.

2. Choosing the employment-based classification (such as an EB-1, EB-2 or EB-3) is crucial to the processing time for the green card case especially for foreign nationals with certain country of birth (not nationality). Some EB green card cases can take 6 to 9 years to process while other EB green card cases may take 2 or less years to process.

3. Most employment-based (EB) green card cases consist of three stages:

a) Stage 1: PERM

b) Stage 2: I-140 Immigrant Petition for Alien Work.

c) Stage 3: I-485 Applications for Adjustment of Status.

i. During this stage, the green card applicant can seek to apply (recommended) for I-131

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advance parole and I-765 employment authorization document (EAD).

Stages 2 and 3 may be filed concurrently or at the same time, depending on criteria.

4. Certain employment-based green card cases do not require PERM permanent labor certification process with the U.S. Department of Labor, such as certain EB-1 and certain EB-2 cases. If so, the green card case will start from I-140 Immigrant Petition stage. If a PERM is required, the green card applicant must undergo PERM for the approval of the U.S. Department of Labor before applying for I-140 Immigrant Petition and, if applicable, I-485 Adjustment of Status Application.

5. It is normally faster to obtain green card status through employment-based green card cases that do not require the PERM stage because:

a) Without the requirement of PERM, the processing time for PERM stage (which is normally lengthy lasting from several months to several years, depending on the circumstances) is eliminated.

b) The immigrant visa numbers (because EB cases have quotas) are normally more available in EB-1 green card cases, and then EB-2 green card cases.

6. At the I-140 stage, the green card applicant may include the biodata of certain family members who intend to immigrate with the applicant in the green card cases.

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. Tiya PLC is a U.S. professional law practice specializing in U.S. immigration law. Ms. Kok and Tiya PLC provide legal representation to foreign nationals, individuals and their families, employers and companies in all stages and aspects of green card and work visa matters.