

EB-2: Advanced or Master's Degree Employment-Based 2nd Preference

EB-2: Bachelor's Degree Plus 5-Year Experience Employment-Based 2nd Preference

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 whether or not the U.S. Citizenship and Immigration Services has issued and approved his/her I-765 Application for Employment Authorization (EAD).

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, for example, 6 to 9 years to process while other EB green card cases may take, for example, 2 or less years to process.

3. Most employment-based 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

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. Some employment-based green card cases do not require PERM, a permanent labor certification by the U.S. Department of Labor. However, most employment-based green card cases do require a PERM.
5. The Advanced or Master's degree Employment-Based second preference ("EB-2") petitions are green card sponsorships through their employers.
6. The Advanced or Master's degree green card petitions are for jobs requiring, and foreign nationals who have, either U.S. or foreign-equivalent Advanced or Master's degrees; OR U.S. or foreign-equivalent Bachelor's degrees plus five years of relevant experience.
7. PERM permanent labor certification is required for these EB-2 green card cases.
8. The EB-2 green card applicants may include certain family members as derivative applicants in their green card cases.
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This article is intended for informational purposes only, and should not be relied on as a legal advice or an attorney-client relationship. For more information, please contact Aik Wan Kok, Immigration Attorney at Tiya PLC, at koka@tiyalaw.com , tiyalaw@yahoo.com , 202-507-9767 (office) or 703-772-8224 or

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