

# Green Card for Employment Based Immigrants

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## ➤ **First Preference (EB-1): Priority Workers**

- Aliens with extraordinary ability in the sciences, arts, education, business, or athletics.
- Outstanding professors or researchers
- Certain multinational managers and executives

- ❖ **Second Preference (EB-2): Aliens** who are members of the professions holding advanced degrees or who have exceptional ability (including requests for national interest waivers).

- ◆ **Third Preference (EB-3)** – skilled workers, professionals, or other workers.

## FAQS

**Eligibility for Adjustment Status:** If you are currently in the United States, in order to be eligible for a Green Card as an EB-1, EB-2, or EB-3 immigrant, you must meet the following requirements:

- You properly file Form I-485, Application to Register Permanent Residence or Adjust Status;
- You were inspected and admitted or inspected and paroled into the United States;
- You are physically present in the United States at the time you file your Form I-485;
- You are eligible to receive an immigrant visa;
- An immigrant visa is immediately available to you at the time you file your Form I-485 and at the time USCIS makes a final decision on your application. (For information on visa availability, see Visa Availability and Priority Dates, Adjustment of Status Filing Charts, and the Department of State website to view the Visa Bulletin);
- The job offered to you in the Form I-140, Immigrant Petition for Alien Worker still exists with the employer that filed the Form I-140 on your behalf, and you plan to accept the job once USCIS approves your Form I-485. If you filed Form I-140 as a self-petitioner, you must plan to work in the same or similar occupational field as specified in your Form I-140;
- Note: Even if you have a new job or employer, section 204(j) of the Immigration and Nationality Act (INA) allows the approved Form I-140 to remain valid for adjustment of status purposes if:
  - You submit evidence that the new job is in the same or a similar occupational classification as the job in the original Form I-140; and
  - The Form I-485 you filed based on the Form I-140 remains unadjudicated for 180 days or more; and
- None of the applicable bars to adjustment of status apply to you;
- You are admissible to the United States for lawful permanent residence or eligible for a waiver of inadmissibility or other form of relief; and
- You merit the favorable exercise of USCIS' discretion.

**How to Apply:** If you are currently in the United States, an immigrant visa is immediately available to you as an EB-1, EB-2, or EB-3 immigrant, and you meet certain other requirements, you may file Form I-485, Application to Register Permanent Residence or Adjust Status, to apply for a Green Card without leaving the country. This is called “adjustment of status.” If a visa is immediately available, you may file your Form I-485:

- Together (“concurrently”) with Form I-140, Immigrant Petition for Alien Worker filed on your behalf;
- While the Form I-140 is pending; or
- After the Form I-140 is approved (and remains valid).

**What Do I Submit?:** As the named Form I-140 beneficiary, you are the applicant of the Form I-485 and supplements. As the applicant, you should submit the following documentation and evidence to apply for a Green Card as an employment-based immigrant who is already in the United States:

- Form I-485, Application to Register Permanent Residence or Adjust Status;
- Copy of the Form I-797, Approval or Receipt Notice, for the Form I-140 filed on your behalf (unless you are filing your Form I-485 together with the Form I-140);
- Form I-485 Supplement J (unless you are filing your Form I-485 together with the Form I-140 or you are adjusting based on a National Interest Waiver without a job offer or as an alien of extraordinary ability), to confirm that the job offered to you in Form I-140 remains a valid job offer that you intend to accept once your Form I-485 is approved; and
- A signed statement confirming you intend to work in the occupational field specified in the Form I-140 if you are a self-petitioner.
- Two passport-style photographs;
- Copy of your government-issued identity document with photograph;
- Copy of your birth certificate;
- Copy of your passport page with nonimmigrant visa (if applicable);
- Copy of your passport page with admission or parole stamp (issued by a U.S. immigration officer) (if applicable);
- Copy of Form I-94, Arrival/Departure Record, or copy of the U.S. Customs and Border Protection (CBP) admission or parole stamp on the travel document (if applicable)

Note: If CBP provided you with an electronic Form I-94 upon your arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website;

- Proof that you have continuously maintained a lawful status since arriving in the U.S. (or that you are exempt under INA 245(k));
- Form I-864, Affidavit of Support Under Section 213A of the INA (only if your Form I-140 petition was filed by a relative who is a U.S. citizen or lawful permanent resident, or by a for-profit entity if 5% or more of the ownership interest is held by a relative who is a U.S. citizen or a lawful permanent resident). See Instructions for Form I-864 for more information.

Note: “Relative” means a U.S. citizen or lawful permanent resident who is your husband, wife, father, mother, son or daughter, or a U.S. citizen who is your brother or sister;

- Form I-693, Report of Immigration Medical Examination and Vaccination Record or partial Form I-693 (if applicable). If you are required to submit a Form I-693 or a partial Form I-693, you must submit it with your Form I-485. For more information, please see the Form I-693 Instructions;
- Certified police and court records of all criminal charges, arrests, or convictions regardless of final disposition (if applicable);
- Form I-601, Application for Waiver of Grounds of Inadmissibility (if applicable);

- Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal (if applicable);
- Documentation of past or present J-1 or J-2 nonimmigrant status (if applicable), including proof of compliance with or a waiver of the 2-year foreign residence requirement under INA 212(e) (for more information, see Form I-612, Application for Waiver of the Foreign Residence Requirement (under Section 212(e) of the Immigration and Nationality Act, as Amended));
- If you currently hold A, G, or E nonimmigrant status, include Form I-508, Request for Waiver of Rights, Privileges, Exemptions and Immunities;
- Form I-566, Interagency Record of Request – A, G or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G or NATO Status (only if you have A, G, or NATO nonimmigrant status); and
- Form I-485 Supplement A, Adjustment of Status Under Section 245(i) (if applicable).

