

Employment Based Green Card

Green card is a status for all non- US citizens who have been authorized to live and work permanently in the United States. Most people get their green card either through family based green card or employment based green card. Other ways to get a green card are political asylum based, refugee based, adoption based or diversity lottery based. In general, you can get a green card based on the fact that you have a permanent opportunity in United States.

Process – Getting an Employment Based green card is a three step process and it generally takes a while to get the green card status. Spouses and minor children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal.

- 1) **The first step is PERM** and it is also known as labor certification. For most employment categories, the sponsoring employer must file a labor certification with the DOL certifying that no qualified US workers are available or willing to do the job that the alien will perform for them. To prove the situation, the employer usually needs to include the proof of advertising for the specific position, Skill requirements for a particular job, Verification of Prevailing wage for a position and the employer's ability to pay. Certain employment categories do not require labor certification approval. The date the PERM application is filed is called the Priority Date.
- 2) **The second step I-140 Petition-** Once the labor certificate is approved the employer must file form I-140, immigrant petition for an alien worker. If the priority date is current, then it is possible to concurrently file form I-140 with form I-485, Adjustment of Status.

3) Third Step – I-485 or AOS (Adjustment of Status) –After the approval of the I-140 Petition the applicant will be eligible to apply for AOS. The applicant must wait until his priority date is current and then only he will be eligible to file his I-485 application with USCIS. Once the priority date is current the applicant has two options. If the applicant is already in United States of America he/she can apply for Adjustment of Status. If the applicant is outside USA he/she can go to the consular processing.

After reviewing the 485 petition USCIS will allot a Visa to the applicant and this getting of green card culminates the Non-Immigrant status and the applicant will be in immigrant status and has to wait a minimum of 5 years to apply for citizenship.

For more information please contact Jay Mannay, he can be reached @732-906-3200 Ext 203 or you can email him jay@vedicsoft.com.