

## **A. EB-3 THIRD PREFERENCE – EMPLOYMENT BASED IMMIGRATION PROFESSIONAL**

The first sub-category of the Third Preference category is the immigration professional. This is perhaps the most widely used sub-category within the Second Preference category. You must be able to demonstrate that you possess a U.S. Bachelor's Degree or foreign degree equivalent and that the bachelor's degree is the normal requirement for entry into the occupation. You must also be performing work for which qualified workers are not available in the United States. Unlike other classifications, you cannot use equivalent experience to meet the educational requirement. There is no provision for equivalency to a baccalaureate degree based on a combination of education and experience at the EB-3 professional level. Thus, if Form ETA-9089 specifies a minimum educational level of "bachelor's degree or equivalent," a foreign national will not qualify for EB-3 classification as a professional if he or she lacks a bachelor's or a foreign degree evaluated as the equivalent to a U.S. bachelor's degree.

This category requires that your petitioner (employer) must first obtain a Labor Certification (PERM) from the Department of Labor. A specific job is also required in the third Preference Employment Based category. Moreover, after receiving Labor Certification, your Petitioner (Employer) must file for an Immigrant Petition. You may file for adjustment of status or proceed with consular processing only when your visa becomes numerically available. But because of the significant backlogs, in this category, you must wait for seven years or more. If you are from India, Mexico, or Philippines, then you have to wait even longer. Spouses and children below 21 years of age and not married are qualified to obtain green cards if accompanying the main beneficiary.

The process can be extremely detailed and requires significant effort on the part of the employer. To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!