



I Am an Employer...

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How Do I...Sponsor an Employee for Permanent Resident Status in the United States?



U.S. Citizenship
and Immigration
Services

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One way people immigrate to the United States (U.S.) is based on employment. As an employer (or prospective employer), if you want to sponsor a foreign national to become a permanent resident based on a permanent job offer, you and the foreign national would need to go through a multi-stage process.

The process starts, in most cases, by you first obtaining an approved **Labor Certification Application (LCA)** from the U.S. Department of Labor (DOL). After the LCA has been approved by the DOL, you would then continue the process by filing **Form I-140, Immigrant Petition for Alien Worker**, on behalf of the foreign national with USCIS. If prior DOL certification is not required, the sponsoring process will start with your filing of the Form I-140 with USCIS. The Form I-140 is available on our website at www.uscis.gov. Sometimes, as discussed below, the foreign national can combine the Form I-140 with a permanent resident application. For information on all of the filing requirements and fees for a labor certification request with DOL, please visit that agency's website at www.dol.gov.

Who are the employees that I may file for?

A U.S. employer may sponsor a prospective or current foreign national employee who is inside or outside the U.S. and who may qualify under one or more of the employment based or "EB" immigrant visa categories. The EB visa categories are divided into several preference categories. These EB visa categories are organized by occupational priorities as mandated by Congress. The first four of these EB visa categories are available to otherwise eligible foreign nationals sponsored by U.S. employers:

EB-1 Priority Workers

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

EB-2 Professionals with Advanced Degrees or Persons with Exceptional Ability

- Aliens who, because of their exceptional ability in the sciences, arts or business, will substantially benefit the national economy, cultural or educational interests or welfare of the U.S.
- Aliens who are members of professions holding advanced degrees or the equivalent

EB-3 Professional or Skilled Workers

- Professionals with a baccalaureate degree
- Aliens capable of performing skilled labor (requiring at least 2 years of training or experience) for which qualified workers are not available in the U.S.
- Aliens capable of performing unskilled labor for which qualified workers are not available in the U.S.

EB-4 Special Immigrants

- Religious workers
- Panama Canal Company Employees, Canal Zone Government Employees, or U.S. Government in Canal Zone Employees
- Certain physicians
- Certain others

What does the petition do for my employee?

Filing a petition showing that you and the foreign national have an intent to have an employer-employee relationship upon the approval of the petition and proving your employer-employee relationship and the foreign national's qualifications gives (or, in the case where a LCA has been filed, saves) the foreign national a place in line among others waiting to immigrate based on the same kind of "EB" visa category. When the place in line is reached, the foreign national may be eligible to apply to immigrate.

The foreign national's place in line, known as a "priority date," will be based on the date you file the labor certification with DOL or, if a labor certification is not required, the date your petition is filed with USCIS. For this reason, there is an advantage to filing as soon as you are certain that you wish to obtain the permanent services of the foreign national.



How do I file for a current or prospective employee?

Determine if the prospective or current employee meets the criteria of one of the four preference categories shown above. For further information regarding these categories, please call customer service **1-800-357-2099**. Then, the process begins as follows:

- For category 1, file a Form I-140 with USCIS
- For categories 2 and 3, first file a labor certification with the Department of Labor (DOL). Then file the approved labor certification with a Form I-140 with USCIS. Note that, for category EB-2, the requirement for labor certification has been waived for foreign nationals who qualify for a national interest waiver.
- For category 4, file a **Form I-360**, *Petition for Amerasian, Widow(er), or Special Immigrant*, with USCIS.

After I file, how long will it be before the foreign national can immigrate?

The combination of high demand and the limits set by law on how many people can immigrate each year under each category and from a particular country means that for some foreign nationals there may be no waiting period, while for others there may be a significant waiting period.

Generally speaking, if a foreign national entered the U.S. legally and is currently in the U.S. (and meets certain other requirements), he/she may be able to file an application to adjust to permanent resident status if the employment-based immigrant visa category for that foreign national is "current."

For other foreign nationals who are on the visa waiting list, once the foreign national reaches the "front of the line," the Department of State will contact the foreign national and invite him or her to apply for an immigrant visa. If you are interested in the current waiting periods for visa numbers, see "Visa Bulletins" on the State Department's website at www.travel.state.gov/visa.

What about the foreign national's family?

In most cases, when the foreign national's place in line is reached and he/she applies to immigrate, the foreign national's husband or wife and unmarried children under 21 can apply as dependents.

For example: You file a petition on behalf of a prospective employee. You cannot directly petition for his or her husband and children. However, they can apply for immigrant visas (or adjustment of status) at the same time as your prospective employee when the prospective employee's place in line is reached.

What happens after I file a petition on behalf of a current or prospective employee?

If you file by mail, we will mail you a receipt so you know we have your petition. If your petition is incomplete, we may have to reject it, or ask you for more evidence or information, which will delay processing. Please send all required documents the first time to avoid delay.

We will notify you when we make a decision. Normally, when we approve the petition, we will send it to the U.S. State Department's National Visa Center (NVC). Once the foreign national's place in line for a visa number is reached, the NVC will notify you and the foreign national, inviting him or her and the qualifying dependents to apply for immigrant visas. You can get more information about immigrant visa processing from the U.S. State Department's website at www.state.gov.

How long will it take USCIS to process my petition?

Processing times depend on a number of factors. You can check our current processing times on our website. Once you file a petition, we will post an updated estimate of the processing time on the USCIS website.

Where can I find more information about this process?

For information on all the filing requirements and fees for a labor certification request with the Department of Labor, please visit that agency's website at www.dol.gov.

For specific information regarding each category or qualifying occupation, please refer to our website at www.uscis.gov, or call customer service at **1-800-357-2099**.

We also have several Employer Information Bulletins available on our website at www.uscis.gov. These bulletins help explain and answer many of the immigration issues that employers experience.

Key Information

Key forms referenced in this Fact Sheet	Form #
Immigrant Petition for Alien Worker	I-140
Petition for Amerasian, Widow(er), or Special Immigrant	I-360

USCIS

• On the Internet at: www.uscis.gov

For more copies of this Fact Sheet, or information about other citizenship and immigration services, visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start! If you don't have Internet access at home or work, try your library. If you can't find what you need, call customer service.

• Customer Service: **1-800-357-2099**

• Hearing Impaired TDD Customer Service: 1-800-278-5732

Disclaimer: This Fact Sheet is a basic guide to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, see our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.

Other U.S. Government Services—click or call

In general	www.firstgov.gov	1-800-333-4636
U.S. Department of State	www.state.gov	1-202-647-6575