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Practice Limited to Federal Immigration Law

**H-1B EXEMPTIONS AND ALTERNATIVES**

Each year, USCIS exhausts the full quota of 65,000 “bachelor’s degree” H-1Bs and the additional 20,000 quota for U.S. advanced degree holders. As a result, many foreign students and employers seek alternatives to the H-1B. In addition, some employers qualify for an exemption from the H-1B quota. The following is a summary of exempt employers and alternatives to the H-1B, which may allow a foreign graduate to remain and work in the United States after graduation.

**Organizations exempt from the H-1B quota**

Certain organizations are exempt from the H-1B quota. Exempt organizations can file H-1B petitions at any time, regardless of the quota. Exempt organizations include:

- Universities
- Non-profit organizations affiliated with universities (such as research facilities or hospitals)
- Non-profit research organizations, engaged primarily in basic or applied research
- Governmental research organizations (federal, state, and local government)

Note that there is no blanket exemption for “non-profits.” To be exempt from the quota, the non-profit either must be affiliated with a university, or must be a non-profit “research organization.”

## Alternatives to the H-1B

1. **Optional Practical Training.** F-1 students can work in the U.S. for up to 12 months using Optional Practical Training (OPT). They can stay in the U.S. for 60 days after expiration of their OPT, but cannot work during that time.
2. **STEM OPT Extension.** F-1 graduates in “STEM” degree programs (Science, Technology, Engineering, Mathematics) can obtain an additional 24 months of OPT (for a total of 36 months). They must be employed by an employer that registers with the federal “E-Verify” program (an electronic program to verify the employment authorization of employees in the U.S.) The student and employer must also submit an acceptable training plan to the school before the student will be allowed to apply for STEM OPT. Graduates with prior U.S. degrees in STEM fields may be able to use these degrees as a basis for the STEM OPT extension.
3. **TN status (Canadians and Mexicans).** Under the NAFTA treaty, citizens of Canada and Mexico can work in the U.S. in TN status in certain designated jobs or professions listed in the treaty. Common TN occupations include engineer, architect, computer systems analyst, hotel manager, registered nurse, social worker, librarian, dentist, statistician, and physical therapist. Individuals who qualify for TN status can work in the U.S. in three-year increments, renewable indefinitely.
4. **H-1B1 (Chileans and Singaporeans).** There is a special quota of 6,800 “H-1B1” visas available to citizens of Chile and Singapore. Like the H-1B, H-1B1 status requires that the applicant possess a bachelor’s degree or the equivalent, and the job must require at least a bachelor’s degree as a minimum entry level

requirement. H-1B1 status is granted in one-year increments. Unlike H-1B, individuals in H-1B1 status must have an unabandoned foreign residence to which they intend to return.

5. **E-3 for Australians.** Under a treaty of trade with Australia, the United States allows the citizens of Australia to qualify for E-3 status. Like H-1B, the applicant must possess a bachelor's degree or the equivalent, and must work in a job that requires a bachelor's degree. E-3 status is issued in two-year increments, renewable indefinitely. There is a quota of 10,500 E-3 visas available. It is unlikely this quota will ever be exhausted.
6. **E-1 and E-2 status.** Certain countries have treaties of trade or commerce with the United States. Citizens of countries that have a treaty of trade or commerce with the United States can qualify for E-1 or E-2 status. E-1 allows an individual of a treaty country to start his/her own business in the U.S. to engage in trade with their home country (at least 50% of the trade must be with the individual's country of citizenship). The individual can also work for a company which is majority owned by citizens of the individual's country of citizenship, also engaged in substantial trade between the U.S. and the country of citizenship. E-2 status allows an individual from a treaty country to start his/her own business in the United States, provided that the business requires substantial "investment" in the United States. The individual can also work with a company in the U.S. owned at least 50% by nationals of the individual's country of citizenship, provided that the business represents a substantial investment in the United States. These are very complicated visas, but can be excellent options in appropriate

circumstances. For example, a citizen of France could open up his/her own financial consulting business, or work for a French-owned financial consulting organization in the U.S. Notable countries which do not have treaties of trade or commerce with the U.S. include China and India. A listing of eligible countries is attached.

7. **L-1 Visa.** L-1 visas are for individuals who have worked for a company outside of the U.S. for at least one year who will now work in the U.S. for a parent, branch, subsidiary or affiliate of the same company. L-1 visas are available to allow individuals to work in managerial or executive positions, or positions which require “specialized knowledge” of the company’s operations, technology, etc.
8. **O Visas.** O visas are available for individuals with extraordinary ability in their particular field of expertise. This can be shown by significant contributions to a particular field of expertise, peer-reviewed publications, presentations at important conferences, national or international prizes or awards, serving as a judge of the work of others, and other objective evidence of the individual’s reputation as a leader in a particular field of expertise.
9. J-1 visas are for “trainees” or “interns” who have earned degrees **outside the U.S.** and/or who have certain work experience **outside the U.S.** Eligibility requirements for these programs are as follows:

#### **J-1 Intern**

Students and recent graduates may qualify to participate in a J-1 “intern” program, but only if they:

- Are currently enrolled in and pursuing studies at a post-secondary academic institution outside the U.S.; or
- Have graduated from a post-secondary academic institution outside the U.S. no more than 12 months prior to their J-1 program start date.

## **J-1 Trainee**

As an alternative, foreign nationals may participate in a J-1 “trainee” program if they:

- Have a degree or professional certificate from a post-secondary academic institution outside the U.S. and at least one year of prior related work experience outside the U.S. in the occupational field in which they are seeking training; or
- Have five years of work experience outside the U.S. in the occupational field in which they are seeking training.

If you satisfy these factors, and you have a company willing to host you for a training program, this may be an option.

10. **Green Card.** For certain individuals, pursuing a permanent resident green card through employment may provide a basis for continued work in the U.S. Although the full green card process will take much longer than the one-year duration of OPT, these individuals may be far enough along in the process to file for “adjustment of status” and obtain a work authorization card in connection with their green card application, prior to expiration of the 12-month (or 36-month) OPT. There may also be family-based options for permanent residence.
11. **Work Outside the U.S.** A foreign graduate can work for an employer outside the U.S. without a U.S. work visa.
12. **Return to School.** Many foreign graduates re-enroll in school in F-1 status if they miss the H-1B quota.

**Eligible Countries for E-2**

Albania	Czech Republic	Latvia	Serbia
Argentina	Denmark	Liberia	Singapore
Armenia	Egypt	Lithuania	Slovak Republic
Australia	Estonia	Luxembourg	Slovenia
Austria	Ethiopia	Macedonia	Spain
Azerbaijan	Finland	Mexico	Sri Lanka
Bahrain	France	Moldova	Suriname
Bangladesh	Georgia	Mongolia	Sweden
Belgium	Germany	Montenegro	Switzerland
Bolivia	Grenada	Morocco	Taiwan
Bosnia & Herzegovina	Honduras	Netherlands	Thailand
Bulgaria	Ireland	New Zealand	Togo
Cameroon	Israel	Norway	Trinidad and Tobago
Canada	Italy	Oman	Tunisia
Chile	Jamaica	Pakistan	Turkey
Colombia	Japan	Panama	Ukraine
Congo (Brazzaville and Kinshasa)	Jordan	Paraguay	United Kingdom
Costa Rica	Kazakhstan	Philippines	Yugoslavia
Croatia	Korea (South)	Poland	
	Kosovo	Romania	
	Kyrgyzstan	Senegal	

**Eligible Countries for E-1**

Argentina	Estonia	Latvia	Serbia
Australia	Ethiopia	Liberia	Singapore
Austria	Finland	Luxembourg	Slovenia
Belgium	France	Macedonia	Spain
Bolivia	Germany	Mexico	Suriname
Bosnia & Herzegovina	Greece	Montenegro	Sweden
Brunei	Honduras	Netherlands	Switzerland
Canada	Ireland	New Zealand	Taiwan
Chile	Israel	Norway	Thailand
Colombia	Italy	Oman	Togo
Costa Rica	Japan	Pakistan	Turkey
Croatia	Jordan	Paraguay	United Kingdom
Denmark	Korea (South)	Philippines	Yugoslavia
	Kosovo	Poland	

## NON-IMMIGRANT BUSINESS VISA CHART

### McCandlish Holton, PC

VISA CATEGORY	DESCRIPTION	DURATION OF STAY	CRITERIA/SPECIAL RULES
<b>Visa Waiver Program (VWP).</b> Visitors; no visa required. Complete Form I-94W on airplane prior to entry.	For short stays as business visitor or tourist. Only for nationals of these countries: Andorra, Australia, Austria, Belgium, Brunei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, the Republic of Korea, Latvia, Liechtenstein, Lithuania Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom.	<b>90 Days.</b> No extension or change to another temporary visa. Can adjust to green card only if marry a U.S. citizen	Roundtrip air ticket to country other than Canada or Mexico. Business visitor cannot be paid from U.S. source.  Criteria: See B-1 below.
<b>B-1 Business Visitor.</b> Apply at U.S. Consulate. Exception: Mexicans with border crossing cards and Canadians. Apply at port-of-entry.	Temporary business or professional activities furthering international trade/commerce.	<b>6 month</b> initial stay with up to <b>6 month</b> extension as needed to complete purpose of visit. Must have foreign residence which one has no intent to abandon. Liberal rules for Canadian/Mexican business visitors under NAFTA.	Except in construction industry, can enter to install/service equipment or software under international sales contract. Can consult, negotiate, take orders, participate in training or business meetings. Must not engage in local productive employment or be paid from U.S. source.
<b>E-1 Treaty Trader.</b> Can apply at U.S. Consulate or CIS. Available to citizens of many countries under bilateral trade treaties or NAFTA for Canada and Mexico. Major exceptions: Brazil, China, Indonesia, Hong Kong, Russia, South Africa.	Alien coming to U.S. to carry on "substantial trade" between U.S. and alien's country or to be employed in key position in foreign-owned business carrying on "substantial trade." Trade includes goods, services and technology.	No limit on stay. E-1 visa issued for <b>5</b> years with unlimited renewals. Admitted to U.S. for <b>2</b> years each time travel to U.S. on E-1 visa. While in U.S. can obtain unlimited number of 2 yr. extensions.	Must be business owner, manager, executive or key employee with essential skills. At least 50% of U.S. company must be owned by nationals of same treaty country as alien. No minimum volume of trade as long as can document regular flow of goods or services. Need not maintain foreign residence or overseas affiliate of U.S. company.  Spouse can apply for work authorization in U.S.
<b>E-2 Treaty Investor.</b> Can apply at U.S. Consulate or CIS. Available to citizens of many countries. Major exceptions: Brazil, China, Hong Kong, Indonesia, Greece, Israel.	Alien coming to U.S. to make a substantial investment or be employed in key position in foreign-owned business, making substantial investment.	No limit on stay. E-2 visa issued for <b>1-5</b> years with unlimited renewals. Admitted to U.S. for <b>2</b> years each time travel to U.S. on E-1 visa. While in U.S. can obtain unlimited number of 2 yr. extensions.	Must be business owner or hired as executive manager or employee with essential skills. U.S. company must be at least 50% owned by nationals of same treaty country as individual E-2 applicant (alien). Investment can be in local business. Enterprise need not maintain foreign office. No minimum investment or minimum number of employees but investment cannot be made solely to support alien & immediate family. Substantial documentation of business plan and investment required.  Spouse can apply for work authorization in U.S.
<b>E-3 For Australians.</b> Can apply directly at U.S. Consulate or CIS.	Australians possessing university degree or the equivalent working in positions which requires a degree. Similar to H-1B.	No limit on stay. E-3 visa issued for <b>2</b> years with unlimited renewals. While in U.S., can obtain unlimited number of 2 year extensions.	E-3 is subject to a quota of 10,500. Very few E-3 visas are used, so the quota is not a concern.  Spouse can apply for work authorization in the U.S.

**NOTICE:** This chart is a summary only and does not contain all of the technical information related to these visas. For further information, please contact McCandlish Holton Immigration Practice Group Attorneys:

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VISA CATEGORY	DESCRIPTION	DURATION OF STAY	CRITERIA/SPECIAL RULES
<b>F-1 Student Employees.</b> Apply to Foreign Student Advisor (DSO).	4 programs: on-campus; work/study coop education; economic hardship; Optional Practical Training, pre- and post-graduation.	During <b>full time study</b> plus up to <b>12</b> months of post-graduation Optional Practical Training (OPT), up to <b>36</b> total months if STEM graduate.	No work until completed one year of study. Can work full-time during vacation and summer in OPT, but may reduce 12 months post-graduation OPT.
<b>H-1B Specialty Occupation Workers.</b> Petition CIS in U.S.	Employee has at least a bachelor's degree or equivalent; working in a job requiring a degree. May work part time or multiple concurrent employers.	<b>3</b> years with <b>3</b> year extension for total of <b>6</b> years. Under special circumstances can extend beyond 6 yrs.	Employee must have 4 year college degree or equivalent. Must pay prevailing wage. Must post job notice and file Labor Condition Application. Cap on number of H-1Bs per yr. University jobs exemptions from cap. Special quota for Singapore/Chile
<b>H-2A, H-2B and H-3 Temporary workers and trainees.</b> Petition CIS in U.S.	Short-term skilled/unskilled workers for temporary positions or training. May be part-time position.	H-2A/2B: up to <b>1</b> year, generally renewable for up to <b>3</b> years. H-3 Trainee: <b>18-24</b> months.	H-2A/B: Temporary "special needs" positions in agriculture or business. Labor Certification required. Must pay 95% of prevailing wage. H-3: Detailed written training curriculum. Limited productive employment allowed only if incidental to training.
<b>J-1 Exchange Visitor/Trainee or Student.</b> Apply with Department of State (DOS) or J-1 sponsor.	Business trainees, medical graduates, students, researchers, teachers in program approved by DOS	Business/Industrial trainees: <b>18</b> months. Students: For duration of studies, up to <b>6</b> years. Scholars: <b>3</b> years with up to <b>6</b> months extension for good cause.	(Business Trainees). Can engage in productive employment under bona fide training program; college degree not required for J-1; can adjust to permanent residence/change status to other nonimmigrant category; may have to return abroad for 2 years after training, but can obtain waiver of 2 year foreign residency requirement.  (Student). 18 months of academic training after graduation, if related to studies. 36 months if Ph.D.  J-2 spouse/children can be employed.
<b>L-1A Executive/ Manager.</b> Intra-Company Transferee. Petition filed with CIS in U.S.	Alien transferring from abroad to work as executive or manager. Can manage essential function without directly supervising others. Need not be college graduate or professional. May work part time in U.S.	New office L-1A: <b>1</b> year, three <b>2</b> year extensions to maximum of <b>7</b> years. Existing office L-1A: <b>3</b> years, two <b>2</b> year extensions to maximum of <b>7</b> years.	1 year of employment with affiliate, branch, subsidiary or parent corporation of U.S. employer within 3 years prior to entry. Salary can be from abroad or U.S. source. Blanket petition rules reduce employment abroad to 6 months.  Spouse can apply for work authorization in U.S.
<b>L-1B Specialized Knowledge Intra-Company Transferees.</b>	Alien transferring from company abroad with specialized knowledge of company, products or processes. Need not be college graduate or professional.	New office L-1B: <b>1</b> year. Two <b>2</b> year extensions up to maximum <b>5</b> years. Existing office L-1B: <b>3</b> years, one <b>2</b> year extension up to maximum <b>5</b> years.	Same as L-1A.  Spouse can apply for work authorization in U.S.
<b>TN (Treaty NAFTA Visa).</b> Canadians and Mexicans only.	Management consultants, scientific and medical technologists, computer systems analysts and other professionals.	<b>3</b> years with unlimited renewals/extensions.	Self employment generally not permitted. Obtain TN at border from CBP (Canada) or TN visa from Embassy/Consulate (Mexico). 3 year Canadian degree = U.S. bachelors degree.
<b>O Visa – Extraordinary Ability.</b> Apply to CIS in U.S.	Extraordinary ability in arts, athletics, science, business. Available to athletes, researchers, university faculty, renowned artists, outstanding business people.	<b>3</b> years or duration of event; can extend for additional events.	Must show recognition and renown through at least 3 of following: Prizes/awards; membership in prestigious societies; review of work of others; contributions of significance to field; significant publications; high salary; published material about alien; employment in critical capacity for distinguished organizations.

## EASY GUIDE TO HIRING FOREIGN GRADUATES

**Do not let fear of the simple visa process prevent you from hiring the best and brightest graduates available.** U.S. law provides several ways for employers to hire foreign graduates of U.S. universities. For example, USCIS issues tens of thousands of H-1B work visas each year. In addition, graduates of U.S. institutions in F-1 status are eligible for “practical training” and are hired regularly by U.S. employers.

The two most common mechanisms for hiring foreign graduates are:

I. **OPTIONAL PRACTICAL TRAINING:** For graduates in F-1 student status, Optional Practical Training allows up to twelve months of employment after graduation (for those holding Science, Technology, Engineering, or Math (“STEM”) degrees, may get 24 additional months). The student must obtain permission from the university, and a work authorization card from USCIS. The university can provide additional information.

**Timing:** F-1 Graduates can begin working upon the effective date of the work authorization card.

**Cost:** No cost to employer. Student pays a nominal filing fee to USCIS to get card.

**Employer Obligations:** Treat employees on practical training just like other U.S. employees in terms of pay, discipline, termination, etc. A brief jointly-developed training plan is required for STEM extensions.

II. **H-1B VISAS:** This is an extremely popular work visa. It is available to foreign nationals who (a) have at least a U.S. Bachelor’s Degree or foreign equivalent and (b) will be working in a job that requires at least a Bachelor’s Degree. Allows employment for 6 years, or longer. The employer must submit an application to USCIS. **Approvals can take as little as fifteen (15) business days.**

### Employer Obligations:

- There is no need to advertise the position, and no need to determine if U.S. workers are available to fill the position.
- All Employers must post a notice for ten days at the worksite stating that the employer is hiring an H-1B worker, providing information about the job. This is NOT an advertisement. It is just a notice.
- Employers must pay the same wage and benefits provided to U.S. workers in similar jobs. May need to pay return transportation in some circumstances.

**Timing:** Normal processing times will take several months. However, USCIS has special “premium processing” which guarantees processing in 15 business days, but requires an extra \$2,500 filing fee.

**Cost:** USCIS’ normal filing fee for private employers is \$460, plus a \$1,500 “training fee”, plus a “fraud prevention” fee of \$500. (NOTE: University employers, primary/secondary schools and certain governmental and non-profit research organizations do not pay the “training fee”. Employers with 25 or fewer employees pay only \$750 “training fee”). Employers with 50 or more employees and more than 50% of workforce in H or L status, additional fees apply.

**H-1B Cap:** USCIS has a quota of 85,000 new H-1Bs to allocate each year (USCIS year—Oct. 1 through Sept. 30), of which 20,000 go to graduates with U.S. advanced degrees. To claim a quota number, employers submit electronic case registrations with USCIS in March. If the registration is selected, employers will have 90 days to file the H-1B for an Oct. 1 start date. Exceptions to the quota: University jobs; non-profits affiliated with universities; non-profit research organizations; H-1B extension with same employer; H-1B transfer to new employer. Citizens of Chile and Singapore have a special allocation of H-1Bs.

Other visa options may be available (for example TN for Canadians or Mexicans working in certain jobs; E-3 visa for Australians in professional positions, and other possible options)

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# BUSINESS & EMPLOYMENT-BASED PERMANENT RESIDENCE (“Green Cards”)\*

## McCandlish Holton, PC

VISA CATEGORY	DESCRIPTION	CRITERIA/SPECIAL RULES
<p><b>First Preference Priority Workers (EB-1).</b></p> <p>Labor Certification not required. The employer does not have to post a notice of the job vacancy or advertise the position.</p> <p>Three types:</p> <ul style="list-style-type: none"> <li>A. Extraordinary Ability</li> <li>B. Outstanding Researcher/Professor</li> <li>C. Multinational Executive or Manager</li> </ul>	A. Persons of Extraordinary Ability in business, sciences, arts, education, or athletics.	Sustained national/international acclaim; extensive documentation. Self-sponsored. Can be self-employed. No job offer required. Must intend to continue work in area of extraordinary ability. Must show receipt of major prize (Nobel) <b>OR</b> 3 of following: lesser national/international prizes or awards; membership in prestigious societies; published material about alien (e.g., citations or articles about alien or alien’s work in professional/major trade publications or major media); work judging the work of others; significant contributions to field; authorship of scholarly articles; display of work; employment in leading or critical capacity for distinguished organizations; high salary; other.
	B. Outstanding Researcher or Professor.	International recognition; requires 3 years of experience as professor and/or researcher in the academic field (research during Ph.D./Master’s program counts if degree earned and research recognized as “outstanding”); requires documentation showing research achievements similar to Extraordinary Ability. Must have a job offer letter stating that teaching position is tenured or tenure-track or that research position is “permanent” (indefinite duration). Available for university positions, and for private employers with at least three (3) full-time research positions and demonstrated research achievements.
	C. Multinational Executive or Manager.	Transfer from non-U.S. entity to related U.S. entity. Must have worked abroad as manager or executive for a foreign parent, subsidiary or affiliate of U.S. company for at least 1 year within 3 years of entry into U.S. College degree not required. U.S. company must be in business for at least 1 year prior to filing of petition. Foreign entity must also continue to operate.

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<p><b>Second Preference Employees (EB-2).</b></p> <p>PERM Labor Certification, Job Notice and Advertisement required, unless candidate qualifies for National Interest Waiver.</p> <p>Three types:</p> <ul style="list-style-type: none"> <li>A. Exceptional Ability/ National Interest Waiver</li> <li>B. Advanced degree professionals</li> <li>C. "Optional Special Recruitment" for university teaching faculty</li> </ul>	<p>A. Exceptional Ability in Sciences, Arts or Business. Can obtain National Interest Waiver ("NIW") of Labor Certification and Job Offer requirements by showing how alien's activities will substantially benefit the U.S. national interest (e.g., work will substantially improve U.S. economy, wages and working conditions of U.S. workers, advance scholarly knowledge in a nationally important area, etc.).</p>	<p>Self-sponsored. Can be self-employed. No job offer required. USCIS regulations require proof of 3 of the following 6 factors: college degree in field; 10 years' experience; recognition of achievements; high salary; licenses/certifications; or membership in professional associations. Must show that work is in the national interest, <u>and</u> that advertising to find a qualified U.S. worker would harm national interest.</p>
	<p>B. Professionals holding advanced degrees (M.S. M.A., J.D., M.D. Ph.D., etc.) must obtain PERM Labor Certification with job offer, unless you qualify for a National Interest Waiver.</p>	<p>Can qualify with M.S. degree or foreign equivalent; or B.A. or B.S. or foreign equivalent and 5 years of post-baccalaureate progressive experience in the specialty.</p>
	<p>C. University "Optional Special Recruitment".</p>	<p>Streamlined advertising requirements for tenured or tenure track teaching faculty if labor certification filed within 18 months of university decision to hire. If outside 18 months, more extensive advertising may be required.</p>
<p><b>Third Preference Skilled Workers, Professionals and Others (EB-3).</b></p> <p>PERM Labor Certification required. Job notice and advertising required.</p>	<p>A. Skilled workers and managers. No college degree required.</p>	<p>Position must require 2 years' training or experience.</p>
	<p>B. Professionals.</p>	<p>Professionals must have B.A. or B.S. degree or its foreign equivalent in the field.</p>
	<p>C. Unskilled workers.</p>	<p>Full-time employees in jobs not requiring 2 years' experience or training.</p>
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## FAMILY BASED PERMANENT RESIDENCE

### McCandlish Holton, PC

<p>U.S. law allows individuals who are U.S. citizens or permanent residents to sponsor certain family members for permanent residence. Below is a listing of the eligible individuals:</p>	
<p><b>I. U.S. Citizens can sponsor</b></p>	<ul style="list-style-type: none"> <li>a. Husband or wife (no quota)</li> <li>b. Unmarried child under 21 years of age (no quota)</li> <li>c. Unmarried son or daughter over 21</li> <li>d. Married son or daughter of any age</li> <li>e. Brother or sister, <b>if the sponsor is at least 21 years old</b>, or</li> <li>f. Parent, <b>if the sponsor is at least 21 years old. (no quota)</b></li> </ul>
<p><b>II. U.S. Permanent Residents can sponsor</b></p>	<ul style="list-style-type: none"> <li>a. Husband or wife, or</li> <li>b. Unmarried son or daughter of any age.</li> </ul>
<p><b>III. Preference Categories</b></p> <p>There are strict quotas for all family-based permanent resident applications <u>except</u> “immediate relatives” of U.S. citizens, which includes parents, spouses and unmarried children under the age of 21. The quotas for all other eligible family members are allocated by “preference” categories. Because the number of applications far exceeds the quotas, most preference categories are backlogged many years. To determine wait times for quotas, visit <a href="http://www.state.gov">www.state.gov</a>, and review the monthly “Visa Bulletin” for the appropriate preference category.</p>	<p><b>First preference:</b> Unmarried, adult sons and daughters of U.S. citizens. Adult means 21 years of age or older.</p> <p><b>Second Preference:</b> Spouses of lawful permanent residents, their unmarried children (under twenty-one), and the unmarried sons and daughters of lawful permanent residents.</p> <p><b>Third Preference:</b> Married sons and daughters of U.S. Citizens.</p> <p><b>Fourth Preference:</b> Brothers and sisters of adult (over 21) U.S. Citizens.</p>

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