Immigrant Visa: Preference Classification for Employment-based Immigrant Visas

Background

The employment-based immigrant visa is designed to help achieve an objective of the Immigration Act of 1990: the attraction to the United States of persons whose occupational skills are in short supply.

For more information, see [Immigrant Visa (Permanent Residency)](#).

Preference Classification

The United States Citizenship and Immigration Services has identified five types of workers eligible for employment-based immigrant visas. These types are known as "preference classifications."

Only three of the preference classifications are relevant to Research Foundation (RF) employment. Each is described below.

Preference Classification 1

Priority workers include:

- Noncitizens of extraordinary ability in the sciences, arts, education, business, and athletics.

  This classification is reserved for noncitizens who have sustained national or international acclaim in their fields.

- Outstanding professors and researchers with universities or private employers having established research departments.

  This classification is assigned to professors and researchers who are recognized internationally as being outstanding in a specific academic area, have at least three years of teaching and/or research experience in the academic area, and will be employed in a tenured or tenure-track teaching position or permanent research position with a university or institution of higher learning.

  A person may also apply under this category if he or she will be employed in a comparable research position with a private or nonprofit organization so long as the organization employs at least three full-time persons in research and has achieved documented accomplishments in an academic field.

- Managers and executives subject to international transfer to the United States.

Preference Classification 2

This classification includes:

- Noncitizens of exceptional ability in the sciences, arts, or business.

  To be classified as a person of exceptional ability in the sciences, arts, or business, the person must possess a degree of expertise significantly above that ordinarily encountered.

- Advanced-degree professionals.

  To be classified as a member of the professions holding an advanced degree, the person must be seeking a professional position and must hold at least a master's degree or its equivalent. The "equivalent" is defined as a baccalaureate degree

plus a minimum of five years experience. The degree must be in a recognized profession.

The employer's Application for Alien Employment Certification (Form ETA 750) must show that an advanced degree is required for the job opportunity. For more information about Form ETA 750, see Immigrant Visa: Obtaining a Labor Certification for an Employment-Based Immigrant Visa.

Preference Classification 3

This classification includes:

- Professionals with bachelor's degrees not qualifying in the second preference classification.
- Skilled workers, i.e., workers filling positions requiring at least two years of training and experience.
- Unskilled workers.

Feedback

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