

PERMANENT RESIDENCE: FIRST PREFERENCE PRIORITY WORKER CATEGORY PROVIDES AN OPPORTUNITY TO JUMP TO THE HEAD OF THE “GREEN CARD” LINE

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What do a nationally-ranked cyclist from South Africa, a research scientist from Tunisia who discovered a new gene, and an international business executive from Brazil have in common? You might say that they are all high achievers with a high level of skill in their respective fields; and that would certainly be true. But in the immigration context, you could also say that they may qualify for permanent residence in the United States in an elite group reserved for only those individuals who are considered to have extraordinary ability in their field, are teachers or researchers who are internationally recognized as outstanding, or are being transferred to the U.S. as an executive or manager of a multinational company.

For many foreign nationals, becoming a Permanent Resident of the United States and receiving a “Green Card”, is the fulfillment of a long held dream. Due to heavy backlogs and long waits for permanent residence visa numbers, foreign nationals, in particular those from countries such as India and China, may not see their dream of permanent residence become reality for many years. The First Preference Employment-Based Priority Workers (EB-1) category, however, provides a fast track to U.S. permanent residence. Proceeding under the First Preference category offers several benefits, including skipping the labor certification/labor market test route and having a permanent residence visa number immediately available. If the U.S. Citizenship and Immigration Services (USCIS) agrees that the foreign national qualifies for the First Preference category, the individual will become a permanent resident many years earlier than would have been possible if required to proceed under one of the other employment-based categories.

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