



U.S. Citizenship
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Immigrant Pathways for STEM Employment in the United States

Immigrant pathways offer opportunities to work in the United States for a range of reasons on a more permanent basis. They provide lawful permanent residence (Green Card), which can eventually lead to [U.S. citizenship](#).

The lawful permanent resident process involves two or three steps, depending on the employment-based immigrant visa classification sought. In general, most petitioners (typically employers) filing EB-2 and EB-3 petitions must take the first step of filing an Application for Permanent Employment Certification ([ETA Form 9089 \(PDF\)](#)), commonly known as a labor certification, with the Department of Labor (DOL). An approved permanent labor certification application demonstrates that:

- The petitioner tested the labor market in the geographic area where the permanent job offer is located to establish that there are no able, qualified, and available U.S. workers who are willing to accept the permanent job offer; and
- The employment of the beneficiary will not adversely affect the wages and working conditions of similarly employed U.S. workers.

After certification from DOL, the petitioner submits the certified labor certification with an immigrant visa petition to USCIS. In all cases, the process requires the two steps of filing of an immigrant petition with USCIS and either an adjustment application with USCIS (if you are in the United States) or an immigrant visa application with the Department of State (DOS) (if you are outside the United States or not pursuing adjustment of status).

An approved immigrant visa petition secures your priority date that will determine the order of immigrant visa availability. You may only file an adjustment application or request a visa through a consulate once an immigrant visa is immediately available. If an immigrant visa is immediately available when you or your sponsoring employer files the petition with USCIS, you may file your adjustment application at the same time. You are eligible to apply for work authorization concurrently with your adjustment application and while your adjustment application is pending.

The availability of an immigrant visa will depend on the employment-based classification being sought (typically the availability is greater for the higher preferences), and the immigrant's country of chargeability (usually the country of birth).

As a general matter, EB-1 immigrant visas tend to be immediately available to any qualifying applicant, regardless of country of origin. For EB-2 and EB-3 immigrant visas, however, there is typically a queue for nationals of China and India.

The USCIS webpage [Visa Availability and Priority Dates](#) and [Consular Processing](#) provides information about the [DOS Visa Bulletin](#) process and explain how DOS allocates immigrant visas and consular processing generally.

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EB-1A Extraordinary Ability

Persons of extraordinary ability in the sciences, arts, education, business, or athletics may self-petition to enter the United States permanently to continue working in their area of extraordinary ability.

You may be eligible for the EB-1A extraordinary ability immigrant visa classification if you have extraordinary ability in the sciences, arts, education, business, or athletics as demonstrated by sustained national or international acclaim and recognized achievements in your field of expertise. In addition, you must show that you will continue working in your area of extraordinary ability. Extraordinary ability means that your level of expertise indicates that you are one of the small percentage of individuals who have risen to the very top of your field.

Do I have the education, experience, or skills needed to qualify?

You must be able to establish that you have extraordinary ability in your field.

The EB-1A extraordinary ability classification is for people who are recognized as being at the very top of their field and who are coming to the United States to continue work in that field. To establish eligibility, you must demonstrate sustained national or international acclaim and that your achievements, including STEM achievements, have been recognized in your field by showing: (1) that you have received a major internationally recognized award, similar to a Nobel Prize; or, more commonly, (2) that you meet at least 3 of the 10 requirements listed below and all your evidence, when evaluated together, shows that you are among the small percentage of individuals that have risen to the very top of your field. If you have not received a major internationally recognized award, you must submit evidence that, more likely than not, affirmatively answers at least 3 of the 10 questions below:

- Have you received any lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor?
- Are you, or have you been, a member of an association that requires outstanding achievements of its members as judged by recognized national or international experts?
- Is there published material in professional or major trade publications or major media about you that relates to your work in the field?
- Have you participated on a panel or individually as a judge of the work of others in the same or in an allied field of specialization?

- Have you made an original scientific, scholarly, or business-related contribution to the field that is of major significance?
- Have you authored any scholarly articles in professional journals or other major media?
- Has your work been displayed at an artistic exhibition or showcase?
- Have you played a leading or critical role for an organization with a distinguished reputation?
- Have you commanded a high salary or other remuneration for your services in comparison to others in your field?
- Have you enjoyed commercial successes in the performing arts?

Note: If the criteria discussed in this section do not readily apply to your occupation, you may submit comparable evidence to establish your eligibility. However, there is no comparable evidence for the one-time achievement of a major, internationally recognized award.

If you meet these minimum threshold requirements, USCIS will then evaluate all the evidence you submitted in its totality to determine whether you have sustained national or international acclaim and recognized achievements in your field of expertise and that you are one of the small percentage of individuals who have risen to the very top of your field.

The USCIS Policy Manual includes [detailed guidance regarding how EB-1A eligibility is evaluated](#), including an [appendix chart](#) that describes considerations that are relevant to evaluating evidence under each of the above criteria and evaluating comparable evidence.

Do I need to have a job offer? Do I need a company to submit a petition for me?

You do not need to have a job offer – but you must be able to establish that you are coming to the United States to continue to work in your area of extraordinary ability. You may submit the petition yourself directly to USCIS, or a company may file a petition on your behalf.

Some of the evidence typically submitted to demonstrate that a person is coming to the United States to continue to work in your area of extraordinary ability includes:

- Letters from current or prospective employers,
- Documents evidencing your prearranged commitments (such as contracts), or
- A statement detailing your plans on how you intend to continue working in your field in the United States.

Will I be working in the United States on a permanent (no time limit) basis as a lawful permanent resident or will I be working on a temporary basis as a nonimmigrant for a specified period of time?

You will be working in the United States on a permanent basis if you are granted lawful permanent resident status.



Professors and researchers who are internationally recognized as outstanding may be eligible to come to the United States permanently to work for an institution of higher education or private employer when the prospective employer files a petition on their behalf.

You may be eligible for EB-1B classification as an outstanding professor or researcher if you are internationally recognized for your outstanding achievements in a particular academic field. You must have at least 3 years of experience in teaching or research in that academic area. You must also be entering the United States to pursue a tenure or tenure track teaching or comparable research position at a university, institution of higher education, or private employer.

Do I have the education, experience, or skills needed to qualify?

You must be able to establish that you are recognized internationally as outstanding in the academic field specified in the petition.

To establish eligibility for an EB-1B visa, your sponsoring employer must submit documentation that you have at least 3 years of experience in teaching or research in the academic field. The 3 years of experience may include teaching or research while pursuing your advanced degree if you received that degree and, for teaching, if you had full responsibility for the class or the research was recognized within the academic field as outstanding. You must also submit evidence that, more likely than not, affirmatively answers at least 2 of the 6 questions below:

- Have you received a major prize or award for outstanding achievement?
- Are you, or have you been, a member of an association that requires outstanding achievements of its members?
- Is there published material in professional publications about your work in the academic field?
- Have you participated on a panel or individually as a judge of the work of others in the same or in an allied academic field?
- Have you made original scientific or scholarly contributions in the field?
- Have you authored scholarly books or articles (in scholarly journals with international circulation) in the academic field?

Note: If any of the criteria discussed in this section do not readily apply, your sponsoring employer may submit comparable evidence to establish your eligibility.

If you meet these minimum threshold requirements, USCIS will then evaluate all the evidence you submitted in its totality to determine whether you are recognized internationally as outstanding in your academic field.

The USCIS Policy Manual includes [detailed guidance regarding EB-1B eligibility](#), including an [appendix chart](#) that describes considerations that are relevant to evaluating evidence under each of the above criteria and evaluating comparable evidence.

Do I need to have a job offer? Do I need a company to submit a petition for me?

You must have a job offer from a United States employer that is a university, institution of higher

learning, or private employer that employs at least 3 persons full-time in research positions. That same employer must file a petition for you, but because no labor certification is required, the employer does not have to apply through the Department of Labor before filing with USCIS. The job offer must be in the form of a letter that offers you a tenure or tenure track position or a permanent research position.

Will I be working in the United States on a permanent (no time limit) basis as a lawful permanent resident or will I be working on a temporary basis as a nonimmigrant for a specified period of time?

You will be working in the United States on a permanent basis if you are granted lawful permanent resident status.

EB-1C Multinational Managers and Executives

Certain managers and executives with experience working abroad for a multinational company may be eligible to come work permanently in the United States for a U.S. company with a qualifying relationship to the company abroad.

You may be eligible for EB-1C classification if you have a permanent job offer in a primarily managerial or executive position with a qualifying U.S. employer that has been doing business for at least 1 year and you have been employed for at least 1 year by a related organization abroad to work in a capacity that is managerial or executive. While you need a sponsoring employer, because no labor certification is required, the employer does not have to apply through the Department of Labor before filing with USCIS.

Do I have the education, experience, or skills needed to qualify?

You must have at least 1 year of qualifying experience.

To establish EB-1C eligibility, you must have been employed, in a primarily executive or managerial capacity, outside the United States for at least 1 year in the 3 years immediately preceding the filing of the petition or the most recent lawful nonimmigrant admission if you are already in the United States.

Do I need to have a job offer? Do I need a company to submit a petition for me?

You must have a job offer to work in a primarily managerial or executive position for a United States employer that has a qualifying relationship with your foreign employer. The U.S. employer must file a petition for you.

A qualifying relationship

A qualifying relationship exists when the U.S. employer is an affiliate, parent, or subsidiary of the foreign firm, corporation, or other legal entity. To establish a qualifying relationship under the statute and the regulations, the petitioner must show that the beneficiary's foreign employer and the proposed U.S. employer are the same employer (for example, a U.S. entity with a foreign

office) or related as a parent and subsidiary or as affiliates.

Both the U.S. employer and at least one qualifying organization abroad must continue to do business up until the time of visa issuance or adjustment of status, and the U.S. employer must have been actively engaged in doing business for at least 1 year at the time of filing of the petition.

A qualifying position

To qualify for EB-1C classification, you must be coming to the United States to work in a primarily managerial or executive position with a qualifying U.S. employer. Managerial capacity includes personnel and function manager positions that manage, supervise and control certain personnel or organizational functions while executive capacity includes executive positions that direct management, establish goals and policies, and exercise wide latitude in discretionary decision making within an organization.

Will I be working in the United States on a permanent (no time limit) basis as a lawful permanent resident or will I be working on a temporary basis as a nonimmigrant for a specified period of time?

You will be working in the United States on a permanent basis if you are granted lawful permanent resident status.

EB-2 Advanced Degree Professionals and Persons of Exceptional Ability

A professional with an advanced degree or a person of exceptional ability may enter the United States to work for a petitioning employer or, if self-petitioning, in a proposed endeavor by requesting a waiver of the labor certification process in the national interest.

The EB-2 classification is divided into two sub-categories: professionals with advanced degrees and individuals with exceptional ability in the sciences, arts, or business. Although a job offer from an employer and a labor certification from the Department of Labor are generally required for the EB-2 classification, you may be eligible to self-petition if you are asking for a waiver of the labor certification requirement based on the national interest. This self-petition, which does not require a sponsoring employer and skips the labor certification process, is known as a national interest waiver.

Note: The labor certification process confirms that there are not sufficient U.S. workers able, willing, qualified, and available to accept the job opportunity in the area of intended employment and that employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. More information on the labor certification process is available in the [USCIS Policy Manual](#), and on the [Department of Labor's website](#).

If you are requesting a waiver of the job offer (and thus, the labor certification) because it is in the national interest of the United States, you are eligible to file a petition on your own behalf, and you may do so whether you seek to classify yourself as a member of a profession who has an advanced degree or as an individual of exceptional ability.

Do I have the education, experience, or skills needed to qualify?

We will review all the evidence you submit to determine whether you are eligible for the employment based second preference classification and, if requested, whether it is in the national interest of the United States to grant a discretionary waiver of the job offer and labor certification requirement.

Employment Based Second Preference: EB-2 Classification - General Requirements

You must be a professional with an advanced degree or a person with exceptional ability in the sciences, arts, or business. You are generally required to have a job offer and a labor certification from the Department of Labor.

Requirements for Advanced Degree Professional Classification

To qualify for classification as an advanced degree professional, you must be a member of the professions holding an advanced degree or foreign equivalent degree, and the position certified in the underlying labor certification must require, at a minimum, a professional holding such a degree (a bachelor's followed by at least 5 years of progressively responsible experience is considered the equivalent of an advanced degree).

You will need to provide documentation, such as an official academic record showing that you have a U.S. advanced degree or a foreign equivalent degree, or an official academic record showing that you have a U.S. bachelor's degree or a foreign equivalent degree and letters from current or former employers showing that you have at least 5 years of progressive post-bachelor's work experience in the specialty. If a doctoral degree is customarily required by the specialty, you must have a U.S. doctorate or foreign equivalent degree.

The USCIS Policy Manual includes detailed [guidance on how we determine eligibility for advanced degree professionals](#).

Requirements for Exceptional Ability Classification

To qualify for the EB-2 exceptional ability classification, you must show that you have exceptional ability in the sciences, arts, or business. Your initial evidence must include evidence that affirmatively answers at least 3 of the 6 questions below:

- Have you received a degree, diploma, certificate or similar award from a college, university, school, or other institution, relating to the field of exceptional ability?
- Do you have at least 10 years of full-time experience in your field, as demonstrated by letters from current or former employers?
- Do you have a license or certification to practice in your profession or occupation?
- Have you commanded a high salary or other remuneration for your services, which demonstrates your exceptional ability?
- Are you a member of any professional associations?
- Have you been recognized for any achievements and significant contributions to the industry by peers, governmental entities, or professional or business organizations?

Note: If any of the criteria discussed in this section do not readily apply to your occupation, you may submit comparable evidence to establish your eligibility.

If you meet these minimum threshold requirements, USCIS will then evaluate all the evidence you submitted in its totality to determine whether you have a degree of expertise significantly above that normally encountered in the sciences, arts, or business.

The USCIS Policy Manual includes detailed [guidance on how we determine eligibility for exceptional ability classification](#).

Do I need to have a job offer? Do I need a company to submit a petition for me?

The EB-2 classification normally requires a job offer from a U.S. employer. In general, the U.S. employer first obtains a labor certification approval from the Department of Labor and then files a petition on your behalf with USCIS.

For nurses who may qualify under EB-2, and physical therapists, a labor certification from the Department of Labor is not required. Instead, the petition is submitted with an uncertified ETA Form 9089 for consideration as Schedule A, Group I occupation. More information on Schedule A, Group I is available in the [USCIS Policy Manual](#).

You may seek a waiver of the job offer (and thus the labor certification requirement) and petition for yourself with no U.S. employer if you can establish that it is in the national interest to waive the job offer requirement.

National Interest Waiver Requirements

USCIS may, as a matter of discretion, grant your request for a national interest waiver where the below requirements are met:

- Your proposed endeavor has both substantial merit and national importance.
- You are well positioned to advance the proposed endeavor.
- On balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus the labor certification.

The USCIS Policy Manual includes [detailed guidance on how we evaluate eligibility for national interest waivers based on the above requirements](#), and it also includes a discussion of [specific evidentiary considerations for those well positioned to advance STEM endeavors](#). For example, the USCIS Policy Manual explains how an advanced degree in a STEM field tied to a proposed endeavor in a critical and emerging technology or supports U.S. national security or economic competitiveness is a strong positive factor, as are letters from interested government agencies.

Critical and emerging technologies are those that are critical to U.S. national security, including military defense and the economy. To identify a critical and emerging technology field, USCIS considers governmental, academic, and other authoritative and instructive sources, and all other evidence submitted by the petitioner. The lists of critical and emerging technology subfields published by the Executive Office of the President, by either the National Science and Technology Council or the National Security Council, are examples of authoritative lists. For example, the National Science and Technology Council's [Critical and Emerging Technologies List Update](#)

[\(PDF\)](#) (February 2022) identifies critical and emerging technologies “with the potential to further these [national security] objectives,” meaning security of Americans, economic prosperity, or democratic values. Departments and agencies may consult this list “when developing, for example, initiatives to research and develop technologies that support national security missions, compete for international talent, and protect sensitive technology from misappropriation and misuse.” The list is part of A Report by the Fast Track Action Subcommittee on Critical and Emerging Technologies.

A STEM area is important to competitiveness or security in a variety of circumstances. For example, when the evidence in the record demonstrates that an endeavor will help the United States to remain ahead of strategic competitors or current and potential adversaries, or relates to a field, including those that are research and development-intensive industries. One, but certainly not the only, indicator of STEM areas important to U.S. competitiveness is inclusion as a priority in the annual research and development priorities memo about the President’s budget issued jointly by the White House Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget. For example, the [Memorandum on Research and Development Priorities \(PDF\)](#) (August 2021) for President Biden’s FY2022 budget is indicative of STEM areas important to U.S. competitiveness. U.S. national security objectives are outlined in the [Interim National Security Strategic Guidance \(PDF\)](#). These objectives include: protect the security of the American people; expand economic prosperity and opportunity; and realize and defend democratic values. For purposes of national interest waiver policy and adjudications, “national security” refers to these three objectives.

Many proposed endeavors that aim to advance STEM technologies and research, whether in academic or industry settings, not only have substantial merit in relation to U.S. science and technology interests, but also have sufficiently broad potential implications to demonstrate national importance. On the other hand, while proposed classroom teaching activities in STEM, for example, may have substantial merit in relation to U.S. educational interests, such activities, by themselves, generally are not indicative of an impact in the field of STEM education more broadly, and therefore generally would not establish their national importance.

USCIS considers an advanced degree, particularly a Doctor of Philosophy (Ph.D.), in a STEM field tied to the proposed endeavor and related to work furthering a critical and emerging technology or other STEM area important to U.S. competitiveness or national security, an especially positive factor to be considered along with other evidence for purposes of the assessment under the second prong.

When evaluating the third prong and whether the United States may benefit from the person’s entry, regardless of whether other U.S. workers are available (as well as other factors relating to prong three discussed above, such as urgency), USCIS considers the following combination of facts contained in the record to be a strong positive factor:

- The person possesses an advanced STEM degree, particularly a Ph.D.;
- The person will be engaged in work furthering a critical and emerging technology or other STEM area important to U.S. competitiveness; and
- The person is well positioned to advance the proposed STEM endeavor of national importance.

The benefit is given particular weight where the endeavor has the potential to support U.S. national security or enhance U.S. economic competitiveness, or when the petition is supported by letters from interested U.S. government agencies.

Will I be working in the United States on a permanent (no time limit) basis as a lawful permanent resident or will I be working on a temporary basis as a nonimmigrant for a specified period of time?

You will be working in the United States on a permanent basis if you are granted lawful permanent resident status.

EB-3 Skilled Workers, Professionals, and Other (Unskilled) Workers

Skilled workers, professionals, and other workers may be eligible to permanently work in the United States if petitioned by a sponsoring U.S. employer.

“Skilled workers” are persons whose jobs require a minimum of 2 years’ training or experience (including in STEM fields). The skilled worker must meet the educational, training, or experience requirements of the job opportunity as listed on the labor certification. Relevant post-secondary education, such as an associate’s degree in telecommunications technology, may be considered as training.

“Professionals” are persons whose job requires at least a U.S. bachelor’s or foreign equivalent degree and are a member of the professions.

“Other workers” are persons whose jobs require less than 2 years’ training or experience. The other worker must meet the educational, training, or experience requirements of the job opportunity as listed on the labor certification. Because STEM occupations generally do not fall under the other worker classification, it is not further addressed in this guide.

Do I have the education, experience, or skills needed to qualify?

You must have at least 2 years of experience or training (relevant post-secondary education may be considered as training) to qualify as a skilled worker. You must have at least a U.S. bachelor’s degree (or a foreign equivalent degree) to qualify as a professional. While a foreign degree that is not equivalent to a U.S. bachelor’s degree will not qualify you for classification as a professional, it may still qualify you as a skilled worker.

The USCIS Policy Manual includes detailed guidance on how we determine eligibility for [skilled workers, professionals, and other workers](#).

Do I need to have a job offer? Do I need a company to submit a petition for me?

Third preference petitions must be filed by a sponsoring employer, and must generally be accompanied by an approved labor certification from the Department of Labor on [ETA Form 9089 \(PDF\)](#). For nurses and physical therapists who may still qualify under EB-3, the petition is submitted directly to USCIS with an uncertified ETA Form 9089 for consideration as Schedule A,

Group I occupation. More information on Schedule A, Group I is in the [USCIS Policy Manual](#).

More information on the labor certification process is available in the [USCIS Policy Manual](#), and on the [Department of Labor website](#).

Will I be working in the United States on a permanent (no time limit) basis as a lawful permanent resident or will I be working on a temporary basis as a nonimmigrant for a specified period of time?

You will be working in the United States on a permanent basis if you are granted lawful permanent resident status.

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