



# EB3

Module I  
PERM Stage and  
General Aspects of the  
Immigration Process

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# EB3

# Complete Guide

Work-Based Visa

Module I

**PERM Stage and General Aspects of the Immigration Process**

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## About the author



With a career marked by diverse and enriching experiences, I bring with me a baggage that reflects not only my academic background, but also my world view and the way I face challenges. Graduating in Systems Analysis from Mackenzie University in São Paulo in 2000, I sought to broaden my horizons with a postgraduate degree in Professional MBA in Systems Engineering, complemented by studies in Business and

Marketing in the United States.

My journey in the USA began in 2018, when I decided to explore the opportunities and cultural richness of this country. This transformative experience led me to change my status from tourist to F-1 student, immersing myself intensely in learning the language and understanding the local culture.

Before that, in Brazil, I had the privilege of working as a journalist and editor for a website specializing in event coverage. This experience not only refined my communication skills, but also awakened in me a passion for writing. At the same time, I built a solid career in technology, working for renowned companies in the states of São Paulo and Minas Gerais, where I acted as a specialist and contributed my technical knowledge.

As an administrator, I have faced a variety of challenges, always guided by a commitment to excellence. I am driven by constructive perfectionism and believe deeply that knowledge only has value when it is shared. It is this belief that inspires me to leave a meaningful legacy for generations to come.

With this vision in mind, I present this guide as a reflection of my journey and my desire to help others navigate the complex process of legalization in the United States through work visas. I hope that this material will be a useful and enlightening source for anyone looking to turn dreams into reality in this country full of possibilities.



# Foreword

Dear reader,

I am delighted to present this comprehensive guide to the EB3 visa process. During my own immigration journey in the United States, I faced challenges that required perseverance, resilience, and a constant desire to learn and understand every detail. Like many who embark on this path, I was faced with the scarcity of accurate and organized information, which led me to search, compile and structure each step of the process. The result of this effort is the content you'll find in this guide. Due to the complexity and extent of the topic, this guide has been divided into **two modules**, each focused on specific aspects of the EB3 process:

## Module I: PERM Stage and General Aspects of the Immigration Process

In this first module, we will cover the initial steps of the EB3 process, including:

1. **PERM Stage:** A complete breakdown of the labor certification process required for most employment-based visas.
2. **General Matters Relating to the Process:**
  1. *Visa Bulletin:* How to Interpret Priority Dates and Understand Visa Availability.
  2. *CSPA (Child Status Protection Act):* Rules to protect the eligibility of dependent children.
  3. **Adjustment of Status vs. Consular Process:** A comparative analysis between the two options for obtaining a Green Card.
  4. **Immigration Fees:** An overview of the costs involved in the process.
  5. **Frequently Asked Questions and Answers:** To answer common questions and provide practical guidance.

## Module II: Immigration Petition and Related Forms

The second module will be dedicated to the immigration petition phase and the forms required to complete the process, either through adjustment of status or consular processing. This module will include:

1. **Form I-140:** Immigrant Worker Petition.
2. **Form I-485:** Adjustment of Status for Permanent Residents.
3. **Required Documentation:** Evidence and specific requirements for each category.
4. **Other Relevant Forms:**
  1. Work Authorization (Form I-765).
  2. Travel Authorization (Form I-131), among others.

This guide is designed to be a practical and reliable source for those who want to not only obtain permanent residency in the United States but also deeply understand the steps required to achieve this goal. With a clear and detailed approach, you'll find useful information to navigate the complex decisions that arise along the way.

Immigration is a unique journey for each individual. This guide is not just a compilation of information, but a tool designed to support you at every stage of the process. I recommend always seeking qualified professional guidance to ensure that your applications are successful.

May this guide be a reliable companion as you make your way toward permanent residency in the United States.

I wish you success at every step of this journey!

With best wishes,

**Ramon Rocha**

## Legal Notice

The author of this guide is not an immigration attorney and does not offer legal advice. All content in this book is intended only to provide general guidance on the EB3 visa process and should not be construed as legal advice specific to individual situations.

Readers are advised to use this guide as a resource for understanding the EB3 immigration process and to assist in preparing their own petitions or reviewing processes made by third parties. However, if you have any questions or needs that are not clear in this guide, or if you need any legal advice specific to your situation, it is recommended to consult with a licensed immigration attorney in the United States.

This guide does not establish an attorney-client relationship between the author and the reader, and the author assumes no responsibility for any loss or damage resulting from the use of this guide or reliance on its contents.

## Chapter 1: Introduction to the EB3 Visa

Welcome to the first chapter of our eBook "EB3 – Complete Guide". In this introductory chapter, we will dive into the world of the EB3 visa, understand its purpose, and highlight the benefits it offers.

Before we go into detail about the EB3 process, it is important to clarify some fundamental points.

In the EB-3 visa application process, **any employer in the United States can sponsor a foreign worker**, as long as they meet certain legal and administrative requirements. These requirements include:

- **Be legally active:** The employer must be a business or organization duly registered and operating in the U.S., or even a U.S. citizen or permanent resident, in the case of domestic jobs such as babysitters or caregivers.
- **Financial Ability:** The employer must prove that it has the financial stability to pay the foreign worker's wages, as determined by the U.S. Department of Labor (DOL).
- **Justification of need:** It is necessary to demonstrate that there are no skilled workers available in the U.S. to fill the offered position. This is done through the labor certification process (PERM), which requires efforts to recruit local workers before hiring foreigners.
- **Compliance with USCIS and DOL requirements:** The employer must follow all legal procedures, including obtaining labor certification and filing the I-140 petition with USCIS.

Therefore, the employer's immigration status is not an impediment, as long as he meets the aforementioned requirements and the process is conducted legally.

This means that both small and large companies, or even individual employers, can participate in the process as long as they meet the necessary criteria and have vacancies that fit the specifications of each EB3 subcategory.

However, it is important to be clear that, yes, there are risks for employers who are in an irregular situation in the U.S. when sponsoring an EB-3 visa, as the process may expose their status to the Department of Homeland Security (DHS) or the U.S. Citizenship and Immigration Services (USCIS). While an employer's immigration status is not directly analyzed in the labor certification process or the I-140 petition, submitting incorrect or inconsistent information can lead to investigations.

Potential Risks:

- **Investigations into Irregular Hiring:** DHS may investigate employers who hire workers without legal authorization. If the employer is found to be in an undocumented situation or has violated labor and immigration laws, they may be fined or face other legal penalties.
- **Data Exposure:** During the process, USCIS may request detailed information about the company, such as financial records and employment histories. This can reveal irregularities in the employer's status or compliance with labor laws.
- **Fraud or Misrepresentation:** If the employer provides false or fraudulent information in the sponsorship process, it can result in severe penalties, including fines and even jail time.

While USCIS prioritizes analyzing the worker's eligibility and the position offered, any irregularity detected at the employer can trigger significant legal consequences.

In addition, it is essential that the employer takes some precautions when choosing the candidate(s). It is not recommended that employers send petitions to immediate family members, such as spouses or children, as this can lead to questions from the Department of Labor (DOL) or the United States Citizenship and Immigration Services (USCIS). U.S. immigration is strict in its fight against personal favoritism, and processes of this type can be interpreted as an act of favoritism, significantly increasing the risk of rejection of the petition.

This information is intended to help employers and applicants understand the practical and legal aspects that guide the filing of an EB3 petition. Transparency and authenticity in intentions are essential for a successful and hassle-free process.

## DEFINITION AND PURPOSE OF EB3

The EB3 is an employment-based third preference visa from the United States designed to help employers bring skilled foreign workers and unskilled workers into the country on a permanent basis. The central purpose of EB3 is **to meet the needs of the American labor market**, supplying high-demand areas with professionals from other nations, since there is a shortage of local workers.

Unlike other visa categories, EB3 does not require the worker to have extraordinary or advanced skills. Instead, it focuses on three specific worker profiles: **professionals, skilled workers, and unskilled workers**. This characteristic makes EB3 a broad and accessible category for many people around the world.

### EB3 Subcategories

#### 1. Professional Workers

- **Profile:** The EB3 for professionals is intended for candidates who have a bachelor's degree or equivalent, and the job vacancy requires the occupant to have this qualification.
- **Requirements:** The worker must prove that the degree is equivalent to a bachelor's degree in the U.S. This evaluation is usually carried out by organizations that specialize in international education comparisons.
- **Examples of positions:** Nursing, engineering, accounting, architecture, among others. Regulated professions (such as nursing) may require, in addition to a visa, specific licenses from each American state.
- **Differentials:** Workers in the subcategory of professionals have an advantage if they have specific skills or extra experience that differentiates their profile from others.

## 2. Skilled Workers

- **Profile:** Aimed at those who have at least two years of experience or training in an occupation that requires specific skills.
- **Requirements:** The worker needs to present documents that prove their experience or formal training, such as certificates, employment contracts, or letters of recommendation that attest to the skills acquired.
- **Examples of positions:** Maintenance technicians, electricians, chefs, carpenters, and machine operators. These are roles in sectors such as construction, cooking, industries, and others that depend on specific skills.
- **Differentials:** Although it does not require a college degree, the skilled worker must demonstrate that their skills are essential for the position and that they have the minimum two years of experience or training.

## 3. Unskilled/Other Workers

- **Profile:** This subgroup is designed for roles that do not require a high level of experience or education, but that require an ongoing workforce to keep industries and services running.
- **Requirements:** While no specific experience or training is required, the worker needs to be able to perform the job offered effectively.
- **Examples of positions:** Production assistants, caregivers for the elderly, cleaning service workers, and agricultural workers.
- **Differentials:** Unskilled workers perform essential functions that support industries such as agriculture, construction, and hospitality, which are critical to the U.S. economy.

## EB3 Process

For an applicant to obtain EB3, the process usually consists of the following steps:

1. **Labor Certification (PERM):**
  - **Purpose:** The employer must prove to the U.S. Department of Labor that there are no U.S. citizens who are qualified or available for the position offered.

- **Job Posting Process:** As part of the PERM, the employer must advertise the job to U.S. candidates, usually in newspapers and job platforms, and keep a record of all candidates who have applied, justifying why they were or were not deemed suitable for the role.
- **Documentation:** The employer presents a detailed description of the position, job requirements and the selection process carried out.
- **Benefit for the candidate:** By proving that the position really needs a foreign worker, the PERM increases the chances of the EB3 candidate being accepted.

## 2. Immigration Petition (Form I-140):

- **What it is:** The I-140 petition is a formal request made by the employer to USCIS for the worker to be considered for immigration based on the work offered.
- **Approval Criteria:** To be approved, the I-140 petition must show that the employer is financially able to pay the wage offered to the worker, and that the applicant possesses the required qualifications.
- **Financial Proof:** The employer needs to submit financial statements (such as bank statements, annual reports, and tax returns) to prove the financial ability to hire the foreign worker on a stable basis.
- **Time and Cost:** Analyzing Form I-140 can take months, but there is the option of premium processing (paying an additional fee) that speeds up the response to about 15 days.

## 3. Adjustment of Status or Consular Process:

- **Adjustment of Status:** If the applicant is already in the U.S. with a valid nonimmigrant status (such as a student visa or temporary work visa), they can apply for adjustment of status to obtain permanent residency without leaving the country.



- **Consular Process:** If the applicant is outside the U.S., they must go through the consular process, appearing at the U.S. consulate or embassy in their home country for the final interview.
- **Additional Documentation:** In both cases, the worker must present a series of documents, such as a passport, criminal record certificates, medical exams, and proof of the approved I-140.

### EB3 Benefits for Workers and Families

Obtaining EB3 offers a number of benefits, not only for the worker, but also for their immediate family. Among these benefits are:

- **Permanent Green Card:** The worker and their dependents (spouse and children under 21 years of age) receive the Green Card, allowing permanent residence and work in the U.S.
- **Freedom of Movement:** Once the Green Card is obtained, the worker can change employers without the need for a new immigration process.
- **Naturalization:** After five years of continuous residence with the Green Card, the worker can apply for U.S. citizenship if they meet the requirements.
- **Education and Health:** Permanent residency gives access to public benefits, such as public education for children and health care programs.

### Long-Term Outlook and Contribution to the Country

In addition to resolving individual and family issues, EB3 also plays a key role in the American economy:

- **Sustainable Workforce:** EB3 allows essential sectors such as agriculture, construction, healthcare, and technology to continue operating stably and sustainably, especially in areas and states with labor shortages.
- **Positive Impact on Local Communities:** By integrating into communities, workers and their families contribute to the local economy through consumption and investment, strengthening both the economy and the social fabric of the country.

## Eligibility and Criteria

Eligibility for the EB3 visa is based on three subcategories, each with specific criteria. They are aimed at three types of candidates: Professionals, Skilled Workers, and Other Workers. To be considered eligible, the applicant must meet the specific requirements of one of these categories, in addition to meeting the general criteria imposed by the United States Citizenship and Immigration Services (USCIS).

### 1. Subcategory 1: Professionals

This subcategory is intended for applicants who have a bachelor's degree or equivalent in a specific field and who will work in a profession that requires this level of education. Requirements for this category include:

- **Bachelor's Degree or Equivalent:** The applicant must submit a college degree or a recognized U.S. equivalent. In the case of degrees earned abroad, a credential evaluation process may be required to ensure that the degree is equivalent to a U.S. bachelor's degree.
- **Profession Requiring a Bachelor's Degree:** The occupation must require a bachelor's degree as a minimum entry requirement. Examples include fields such as engineering, accounting, education, and other professions that typically require a college education. The employer must prove that the position really requires an advanced level of knowledge.
- **Proof of Academic Qualifications:** In addition to the degree, the applicant must provide additional documents such as academic transcripts and relevant certificates. If the degree is not from a U.S. institution, a credential evaluation may be required to verify its equivalency.

## 2. Subcategory 2: Skilled Workers

The skilled workers subcategory is targeted at candidates who have proven skills and experience in the offered occupation. The main requirements for this subcategory include:

- **Professional Experience of at Least Two Years:** The applicant must prove, through documents such as employment contracts, letters of recommendation, and employment records, that they have at least two years of practical experience in the occupation in question. Experience must be directly relevant to the job offered and cannot be combined with experience in other areas.
- **Adequate Training:** In some cases, formal training or participation in technical courses may be accepted as a partial substitute for practical experience, provided that the applicant can prove that they have completed at least two years of intensive, directly work-related training.
- **Job Requirements:** The job vacancy should be considered by the Department of Labor as a position that requires specific skills, experience, or training, such as in technician, mechanical, or electrician occupations. This means that the position cannot be filled by an unskilled worker.

## 3. Subcategory 3: Other Workers

This subcategory is intended for candidates who will be in positions that require less than two years of experience, training, or education. Often, these positions are filled by workers in areas such as construction, cleaning, and service industries. The requirements for this category are:

- **Job Vacancy Requiring Basic Skills:** The job must be full-time and permanent, requiring a minimum level of qualification, and that cannot be filled by skilled workers or professionals. Example occupations may include positions in cleaning, food, and basic construction services.

- **Proof of Limited Experience or Training:** While the applicant does not need two years of experience, they must still meet any minimum requirement set by the employer or job description.
- **Higher Competition due to the Annual Visa Limit:** The number of visas granted annually for the "Other Workers" subcategory is limited, resulting in a potentially longer waiting list.

### General Requirements for All EB3 Subcategories

Regardless of the subcategory, all EB3 applicants must meet certain general requirements:

- **Permanent Job Offer from a U.S. Employer:** The first requirement for EB3 is a formal job offer from a U.S. company or entity, committing to hire the foreign applicant on a permanent basis. The job offer must be for a full-time position, and the employer needs to demonstrate their financial ability to hire the candidate.
- **Labor Certification (PERM):** This certification is issued by the U.S. Department of Labor and proves that the employer has made a significant effort to hire U.S. workers for the position, without success. To obtain PERM certification, the employer must comply with a specific recruitment process that includes posting job advertisements and conducting interviews with local candidates.
- **Filing Form I-140:** After obtaining the PERM, the employer must file Form I-140 (Immigrant Petition for Alien Worker) with USCIS. This petition formalizes the employer's request to hire the foreign worker and details the position, the salary offered, and the qualification of the candidate.
- **Medical and Conduct Requirements:** The applicant must undergo a medical evaluation to ensure that they do not have any health conditions that pose a risk to public health in the U.S. In addition, you must comply with conduct requirements, such as having no criminal record or history of illegal activities in the United States.

- **Admissibility and Other Legal Requirements:** To be eligible for EB3, an applicant must be "admissible" under U.S. immigration law, which means they must not have violated any visa conditions or be inadmissible for other reasons, such as having entered or stayed in the country illegally.

## Chapter 2: Prevailing Wage Determination (PWD)

The EB3 process begins with a series of administrative steps that are essential to ensure that the petition meets all legal and regulatory requirements in the United States. In this chapter, we will focus on one of the most important and initial stages: *the Prevailing Wage Determination (PWD)*.

### 2.1. THE FOUNDATION OF THE PROCESS: PREVAILING WAGE DETERMINATION

First of all, it is crucial to understand what the PWD is and why it is a pillar in the EB3 process. The *Prevailing Wage Determination* is the official determination of the minimum wage that must be paid to the foreign worker for the offered position. This determination is made by the United States Department of Labor (DOL) based on a careful analysis of several factors, including:

- **The location of employment:** States, cities, or regions may have vastly different costs of living and wages.
- **The responsibilities of the vacancy:** The complexity and requirements of the position directly influence the salary.
- **The candidate's qualifications:** Experience, education, and specific skills may impact the applicable salary range.

The goal of the PWD is to protect both U.S. and foreign workers by ensuring that the employment offered respects local wage standards and avoids distortions in the labor market.

## 2.2. THE ROLE OF THE EMPLOYER

The employer plays a central role in this initial stage. It must:

1. **Identify the vacancy:** Make sure that the position fits the EB3 criteria, whether as an unskilled, skilled or professional worker.
2. **Occupational Classification (SOC Code):** The DOL assigns a code based on the job description. It is very important to be aware of this code, because although it is just a "suggestion" sent by the employer, where the DOL can make adjustments/corrections so that the vacancy is correct, if the employer informs an inadequate description/SOC, the DOL can identify a vacancy in a different category from the intended one and create a big problem at the beginning of the process, which will affect all other subsequent steps.
3. **Describe the role:** Provide a detailed description of the responsibilities, minimum qualifications, and location of the job.
4. **Apply for PWD:** Submit Form ETA-9141 to the National Prevailing Wage Center (NPWC), officially initiating salary analysis.

This step not only helps establish the basis of the process, but also demonstrates to the DOL that the employer is committed to the legal and regulatory requirements.

### 2.2.1. Occupational Classification (SOC Code) in the PERM Process

The correct choice of the **Standard Occupational Classification (SOC) Code** is an essential step in the labor certification process (PERM), as it plays a decisive role in categorizing the vacancy, determining the prevailing wage, and complying with legal requirements. Below, we explain in detail how the SOC Code impacts the process and the necessary precautions to avoid legal problems.

## What is the SOC Code?

The **SOC Code** is a standardized occupational classification system used by the U.S. Department of Labor (DOL) to categorize job openings based on:

- Duties and responsibilities of the position.
- Required educational level.
- Skills and experience required.

Each code is unique and corresponds to a specific occupation, allowing the DOL and employers to have a common language to describe the positions offered. This standardization helps ensure consistency in analyzing vacancies and determining the prevailing salary.

## The Importance of Choosing the Right SOC Code

Selecting the appropriate SOC Code is crucial for several reasons:

### 1. Prevailing Wage Determination (PWD):

- The SOC Code directly influences the calculation of the prevailing wage, as each occupation has specific salary ranges based on the workplace, skill level, and experience required.
- An incorrect code can result in an inadequate wage, compromising the employer's legal compliance with DOL requirements.

### 2. Job Classification:

- The SOC Code defines whether the vacancy will be categorized as a *Skilled Worker*, *Professional* or *Other Worker*. For instance:
  - An error in the job description can lead to a *Skilled* position being classified as *Unskilled*, causing delays in the process due to the limited availability of visas for the *Other Workers* category.



- This can also negatively impact the salary offered, as different categories have different salary requirements.

3. **Compliance with Legal Requirements:**

- The wrong choice of SOC Code can lead to the issuance of **Requests for Evidence (RFEs)** or even the rejection of PERM certification or the I-140 petition.
- In addition, inconsistencies between the SOC Code and the job description can lead to audits by the DOL.

4. **Impact on Deadlines:**

- In the event that the code chosen does not correctly reflect the required responsibilities or qualifications, the DOL may reinterpret the vacancy, resulting in significant delays in the processing schedule.

**How Does the SOC Code Choice Work?**

The employer must provide a detailed job description to the DOL during the PWD application (form ETA-9141). Based on this information:

- The employer suggests a SOC Code that they believe is suitable.
- The DOL reviews the description and may accept or change the suggested code to ensure that it aligns with the responsibilities described.

This interaction reinforces the importance of an accurate and detailed job description to avoid unwanted adjustments by the DOL.

**Practical Example: Impact of the Wrong Choice**

Imagine that an employer wants to hire a foreign worker for a legal assistant (*paralegal*) position, which requires at least two years of experience. If the employer selects an inappropriate SOC Code, such as a code related to general administrative functions, the DOL may:

- Classify the position as Unskilled *Worker*, reducing the prevailing wage determined.

- Cause delays due to the need for corrections or even reject PERM certification.

Additionally, if the position is reclassified as *an Unskilled Worker*, it could impact the deadlines available in the [Visa Bulletin](#), as this category often faces greater delays due to high demand and lower visa availability.

### Cautions When Choosing the SOC Code

To avoid problems, it is essential that employers follow these practices:

1. **Detailed Job Description:**
  - Include clear information about daily responsibilities, minimum qualifications (education and experience), and specific skills required.
2. **Consultation with Experts:**
  - Work with immigration attorneys to ensure that the SOC Code you select accurately reflects the position offered.
3. **Document Consistency:**
  - Ensure that all information provided to the DOL is consistent with the recruitment announcements and other documents submitted during the PERM process.

### Conclusion

The SOC Code is much more than a simple classification; it is critical to ensuring legal compliance, determining fair wages, and avoiding delays in the EB-3 process. While the employer is free to suggest an initial code, any mistake or inconsistency can trigger significant problems. Therefore, attention to detail and adequate legal support are indispensable to correctly select the SOC Code and move forward without complications in the subsequent steps of the PERM process.

### 2.2.2. General Rules for Job Functions and Requirements

The PERM certification process for the EB-3 visa requires employers to carefully define **job roles, requirements, and conditions of employment**, strictly following U.S. Department of Labor (DOL) regulations. Below, we explain in a clear and detailed way the main aspects related to **job functions, restrictive requirements and business necessity**.

#### 1. Normal Requirements:

- The requirements of the vacancy must be those normally necessary for the occupation, as defined in the DOL's [O\\*NET](#) database, which specifies the levels of Specific **Vocational Preparation (SVP)**.
- Requirements that exceed the SVP level assigned to the occupation must be justified as resulting from a *business need*.

#### 2. Justification by Business Need:

- The employer must demonstrate that the duties and requirements of the vacancy:
  - Have a reasonable relationship with occupancy in the context of the company's operations.
  - They are essential for the efficient and reasonable execution of the responsibilities of the position.
- The rationale may include evidence such as industry standards, internal hiring practices, or specific operational needs.



**Learn more in the full version of the book**

## Chapter 3: Job Posting

After the **prevailing wage determination** phase in the process of hiring foreign workers under the E-3 visa, the next step is the **job posting**. This step is essential to ensure that the employer is complying with legal requirements and promoting fair opportunities for local workers.

### 3.1. PURPOSE OF JOB POSTING

The primary purpose of the disclosure is to demonstrate that the employer has made reasonable efforts to recruit U.S. workers for the job and that hiring a foreign worker will not adversely affect the wages and working conditions of U.S. employees in similar positions.

### 3.2. DISCLOSURE REQUIREMENTS

To comply with the requirements of the Department of Labor (DOL), the employer must follow strict rules during the disclosure process:

#### 1. Job Description:

- The advertisement must contain detailed information about the position, including:
  1. Job title.
  2. Description of responsibilities and activities.
  3. Mandatory requirements (skills, experience, qualifications) and desirable.
  4. Offered salary (which must meet or exceed the prevailing wage).
  5. Benefits offered.
  6. Job location.
- The description should include clear and objective details about the position, such as tasks, responsibilities, place of work, hours, and salary.
- All education, experience, skills, and certifications requirements must be specified.
- Requirements may not be overly restrictive or designed to favor a specific candidate.

2. **Prevalent Salary:**

- The wage offered must conform to the prevailing wage determined in the previous step.
- The employer must ensure that the salary is not below the standard set by the DOL.

3. **Dissemination Methods:**

- The disclosure must be made in various media, ensuring wide visibility of the vacancy.



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## Chapter 4: Labor Certification (LC)

Labor Certification (LC) is one of the most important steps in the process of hiring foreign workers to work in the United States. This process, also known as PERM (Program Electronic Review Management), is required in several employment-based visa categories, such as EB-2 and EB-3. It aims to protect the local labor market by ensuring that there are no qualified U.S. workers available for the job before considering foreign candidates.

### 3.1. WHAT IS LABOR CERTIFICATION?

Labor Certification is a process conducted by the U.S. Department of Labor (DOL) that authorizes U.S. employers to hire foreign workers for permanent positions. It is a prerequisite for employment-based immigration petitions such as Form I-140.

#### Main Objectives

1. Protecting the local labor market:
  - Certification ensures that there are no qualified U.S. workers willing or available to fill the vacancy.
  - The employer must demonstrate that it has made reasonable efforts to recruit local workers before resorting to hiring a foreigner.
2. Ensuring fair wages:
  - The wage offered to the foreign worker must be equal to or greater than the *prevailing wage*, determined by the DOL, based on the location and qualifications required for the position.
3. Promote fair employment practices:
  - The hiring of the foreign worker may not adversely affect the working conditions or wages of U.S. workers in similar positions.

### How does labor certification work?

Labor certification is part of the PERM (Program Electronic Review Management) process, which is the electronic system used by DOL to review and process applications. The employer must follow a strict set of rules and procedures to demonstrate compliance with U.S. labor regulations.

### Fundamental Elements of Labor Certification

- **Definition of the vacancy:** The employer must specify the title of the position, the responsibilities, the minimum requirements (education, experience, and skills), and the salary offered.
- **Recruitment:** Before hiring a foreign worker, the employer must make significant efforts to recruit skilled local workers.
- **Submission to DOL:** After completing recruitment without finding qualified candidates, the employer submits Form ETA-9089 to DOL for review.

### Importance of Labor Certification

Labor certification is a safeguard for the American labor market. The LC guarantees that:

1. Local workers given priority in employment opportunities.
2. There is no discrimination against American workers in the hiring process.
3. foreign worker will be hired under fair conditions compatible with market standards.

### Who Needs Labor Certification?

Labor certification is required for most EB-2 (workers with an advanced degree or exceptional skills) and EB-3 (skilled workers, professionals, and others) categories. However, some specific categories, such as EB-1 (extraordinary abilities) or certain national interest exemptions (NIW), do not require this process.

### 3.2. STAGES OF THE LABOR CERTIFICATION PROCESS

1. **Determining the Prevailing Wage:** Before beginning the certification process, the employer must obtain the Prevailing Wage for the position. This ensures that the foreign worker will receive a salary that is compatible with the local market.
2. **Job Disclosure:** The job should be advertised in multiple media to demonstrate that the employer has made a genuine effort to hire U.S. workers. This includes:
  - Advertisements in newspapers of large circulation for two consecutive Sundays.
  - Internal posting on the company bulletin board.
  - Three additional recruitment methods (for professional positions), such as specialized websites or job fairs.
3. **Filling out ETA Form 9089:** This form is used to apply for LC. It should be completed with detailed information about the employer, the position, the job requirements, and the recruitment efforts undertaken.
4. **Application Submission:** After completing the above steps, the employer submits ETA 9089 electronically through the DOL's PERM system.



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## Chapter 5: Pathways to Permanent Residency

Permanent residency in the United States, better known as a **Green Card**, is the status that allows a foreigner to live and work legally in the country indefinitely. Not only does this status grant broad rights, such as the ability to reside permanently in the U.S., work without visa restrictions, and travel outside the country with greater ease, but it also provides the ability to apply for U.S. citizenship after meeting the time and eligibility requirements. For many immigrants, a green card represents a dream come true and an essential step toward achieving stability and security in their lives in the United States. Among the most common categories are:

- **Family Bond:** Available to spouses, children, parents, or other close relatives of U.S. citizens or permanent residents.
- **Employment:** Intended for skilled workers, skilled professionals, or investors who meet the specific criteria of the employment-based immigration categories.
- **Asylum or Refuge:** For those seeking protection in the U.S. due to persecution in their home countries based on race, religion, national origin, political opinion, or membership of a specific social group.
- **Other Special Categories:** Include humanitarian programs, Diversity Visa, and more.

Regardless of the category you choose, the process to obtain a Green Card follows two main methods:

1. **Adjustment of Status:** Aimed at individuals who are already physically present in the United States in a valid immigration status and wish to change their status to permanent resident without having to leave the country. This process is conducted by the United States Citizenship and Immigration Services (USCIS) and offers a practical alternative for those who are already living in the U.S. territory.

2. **Consular Process:** Indicated for those who are outside the United States or prefer to carry out the procedure through an American embassy or consulate abroad. In this case, the U.S. Department of State is responsible for conducting the process until the immigrant visa is issued.

Both methods have their specific advantages and challenges, depending on the applicant's situation. Adjustment of Status is often chosen by those who are already in the U.S. and want to avoid international travel during the process. The Consular Process is the only option available for those who are outside the country or do not meet the requirements to adjust their status within the U.S. In this chapter, we will explore in detail how these two paths to obtaining permanent residency work. We will start with the **Adjustment of Status**, covering its main characteristics, requirements, and general procedures. Next, we will discuss the **Consular Process**, explaining how it applies to those who need to conduct their application outside of the United States. This overview will allow you to understand the steps involved in each method and help you make the best choice, according to your needs/immigration situation.

## 5.1. ADJUSTMENT OF STATUS

Adjustment of Status is the process by which an individual who is already physically present in the United States can apply to change their immigration status\* to that of a permanent resident (Green Card), without the need to return to their home country for consular processing. An application for Adjustment of Status, formalized through Form **I-485**, can be filed in two ways:



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## 5.2. CONSULAR PROCEEDINGS

Consular processing is the process of applying for a U.S. Green Card when applying from outside the United States.

The application process for a Green Card varies depending on whether you are already in the United States or still in your home country. If you are applying from your home country, your application will go through consular processing, which simply means that it will be handled by your local U.S. Embassy or Consulate.

Consular processing is different from Adjustment of Status (AOS), which is used when applying for a Green Card from within the United States. With consular processing, you will have to wait in your home country until your Green Card is approved.



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## 5.3: VISA X ADMISSION CLASS X IMMIGRATION STATUS

### 1. Visa

#### What is it?

A visa is an authorization issued by a U.S. embassy or consulate abroad that allows the holder to travel to a port of entry in the United States (airport, land border, etc.) and apply for admission to the country. It is an "entry key" and does not automatically guarantee entry into the U.S.

#### Key features:

- The visa is stamped or attached to the passport.
- It indicates the visa category (e.g., F-1 for students, B2 for tourists) and the purpose of the trip.
- There are two main types:

1. **Nonimmigrant Visas:** For temporary stays, such as tourism, study, or temporary work (e.g., B1/B2, F-1, H-1B).
2. **Immigrant Visas:** For those who wish to reside permanently in the U.S. (e.g., IR1 for spouses of U.S. citizens, EB-2 for skilled workers).

**Important:**

A visa is only required to enter the U.S. Once inside the country, immigration status becomes more relevant.

## **2. Admission Class**

**What is it?**

The class of admission refers to the category in which an individual is admitted to the U.S. at the time of entry. It is determined by the CBP (*Customs and Border Protection*) officer at the port of entry based on the visa presented and the traveler's stated intent.

**Key features:**

- The admission class is recorded on Form I-94 (electronic or physical registration), which specifies:
  - The admission category (e.g., F-1 for students, B2 for tourists).
  - The permissible period of stay in the U.S. (specific date or "D/S" – *Duration of Status*).
- Example: An F-1 visa holder will be admitted to the F-1 class if he or she is entering for the purpose of studying full-time.

**Visa Difference:**

The visa allows you to apply for entry, while the admission class defines the conditions of stay in the USA.

## **3. Immigration Status**

### What is it?

Immigration status refers to the alien's legal status while inside the U.S. It determines the rights and limitations of the individual during their stay, such as working, studying, or just visiting.

### Key features:

- Status is assigned at the time of admission and must be maintained as per the conditions set forth by the admission class.
- Examples:
  - An F-1 student must be enrolled full-time to maintain their status.
  - A B2 tourist cannot work or study while in the U.S.
- If the conditions of the status are violated (e.g., an F-1 student stops attending classes), the individual loses legal status, even if the visa is still valid.

### Differences at a glance

Aspect	Visa	Admission Class	Immigration Status
<b>Definition</b>	Authorization to travel to the USA	Category assigned at the entrance	Legal status within the U.S.
<b>Issued by</b>	U.S. embassy or consulate	CBP officer at port of entry	USCIS or CBP throughout the stay
<b>Purpose</b>	Allow sign-in request	Determine entry conditions	Regular legal stay
<b>Example</b>	F-1 visa for students	Admitted to the F-1 class	F-1 status while studying full-time

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## 5.4. CSPA FOR EMPLOYMENT-BASED IMMIGRANT VISAS (EB)

If you are an employment-based preference (EB) applicant, calculate your CSPA age by subtracting the number of days your petition was pending (time pending) from your age on the date an immigrant visa becomes available to you (age at the time of visa availability). However, you must remain single to qualify.

**The formula for calculating CSPA is:**

Age at time of visa availability - Pending time = CSPA age

**Example:**

You are 21 years and 4 months old when USCIS considers an immigrant visa available to you. His petition had been pending for 6 months. Calculate the age of the CSPA as follows:

21 years and 4 months - 6 months = 20 years and 10 months

**Age at time of visa availability**

The date on which the visa is considered available is the last of these two dates:

- The date the petition was approved; or
- The first day of the month that USCIS considers a visa available to file an application for adjustment of status based on your immigrant preference category, country of enforceability, and priority date. You should check the USCIS website to determine which of the 2 tables (Dates for Filing) of the Department of State (DOS) Visa Bulletin you should use to file an application for adjustment of status (I-485).



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## 5.5: VISA BULLETIN AND PRIORITY DATE

We will explain what the Visa Bulletin is and how it influences the EB-3 immigration process. We'll cover the importance of the priority date and how to determine when you can move on to the next step in the process.

To access the updated Visa Bulletin:

<https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>

### 1. Visa Bulletin:

The Visa Bulletin is a monthly bulletin published by the United States Department of State. It provides information on the availability of visa numbers for the different immigrant visa categories. The categories include a variety of family and employment preferences, such as the EB-2 category, which covers professionals with advanced skills.

The newsletter is divided into different geographic areas and preference categories, such as "Family-Sponsored" and "Employment-Based." The table in Visa Bulletin shows the priority dates being processed for each category.

Let's stick here to two tables that are relevant to EB3:

**Table A – Final Action Dates:** which is the final date for you to have your Green Card application processed

For the Adjustment of Status (AOS) process, this is the date from which your Green Card application can be processed and once approved to issue your Green Card.

USCIS determines that the date of Table A should be used for adjustment of status requests, but when it understands that there are more visas than applicants, it will indicate in the given month, the use of Table B (Dates for Filing) for this condition.

It is important to always check which table should be used on the site:

<https://www.uscis.gov/green-card/green-card-processes-and->

[procedures/visa-availability-priority-dates/adjustment-of-status-filing-charts-from-the-visa-bulletin](#)

For the Consular process, this is the date from which your interview can be scheduled, as long as your process is "Documentarily Qualified" (DQ), which is a classification given to cases in which the National Visa Center (NVC) has received all the necessary information and documents.

**Example of Table A, in the January 2025 Visa Bulletin**

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	08NOV22	01FEB22	C	C
2nd	01APR23	22APR20	01OCT12	01APR23	01APR23
3rd	01DEC22	01JUN20	01DEC12	01DEC22	01DEC22
Other Workers	08DEC20	01JAN17	01DEC12	08DEC20	08DEC20
4th	01JAN21	01JAN21	01JAN21	01JAN21	01JAN21
Certain Religious Workers	U	U	U	U	U
5th Unreserved (including C5, T5, I5, R5, NU, RU)	C	15JUL16	01JAN22	C	C
5th Set Aside: Rural (20%, including NR, RR)	C	C	C	C	C
5th Set Aside: High Unemployment (10%, including NH, RH)	C	C	C	C	C
5th Set Aside: Infrastructure (2%, including RI)	C	C	C	C	C

Notice, in this example, that the cut-off date for EB3, which is a work-based, third-preference visa, is **01DEC22**. And for the EB3-U subcategory, the cut-off date is **08DEC20**. That is, only EB3 processes that have their **Form I-485 pending** and whose Form I-140 has a priority date **prior to December 1, 2022**, and is duly approved, in the case of adjustment of status, can have their Green Card application judged (for EB3-U, the date is December 8, 2020). And only **processes that are "DQ"**, whose Form I-140 has a priority date **prior to**



**December 1, 2022** (for EB3-U, December 8, 2020), and is duly approved, for consular cases can have their interview scheduled.

When USCIS determines Table A as a reference over Table B, the same logic and rule is followed for the filing of Form I-485 and/or Forms I-765 and I-131 (which can only be filed with the I-485, or later, as long as you have an outstanding I-485, upon payment of fees).

**Table B – Dates For Filing:** which is the opening date for you to submit your Green Card application, along with the I-140, or after its approval, if it was not possible to submit it previously.

For the Adjustment of Status (AOS) process, this is the date you can submit your I-485, either with the I-140 or separately, after an approval of your petition. However, USCIS may, at its discretion, indicate Table A as the basis for submitting the I-485.

It is important to always check which table should be used on the site: <https://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates/adjustment-of-status-filing-charts-from-the-visa-bulletin>

For the Consular process, in theory, it would be the date that you could submit your documents to the NVC. However, in practice, this is not what has been happening. That is, even if your priority date is not current in Table B, the NVC still allows you to fill out the DS-260, pay the fees and submit your documents, which after evaluation and approval, places your case as "Documentarily Qualified" (DQ), which is a classification given to cases in which the National Visa Center (NVC) has received all the necessary information. then waiting for the deadline in Table A for your interview to be scheduled.

**Example of Table B, in the Visa Bulletin of January 2025**

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	01JAN23	15APR22	C	C
2nd	01AUG23	01OCT20	01JAN13	01AUG23	01AUG23
3rd	01MAR23	15NOV20	08JUN13	01MAR23	01MAR23
Other Workers	22MAY21	01JAN18	08JUN13	22MAY21	22MAY21
4th	01FEB21	01FEB21	01FEB21	01FEB21	01FEB21
Certain Religious Workers	01FEB21	01FEB21	01FEB21	01FEB21	01FEB21
5th Unreserved (including C5, T5, I5, R5)	C	01OCT16	01APR22	C	C
5th Set Aside: (Rural: NR, RR - 20%)	C	C	C	C	C
5th Set Aside: (High Unemployment: NH, RH - 10%)	C	C	C	C	C
5th Set Aside: (Infrastructure: RI - 2%)	C	C	C	C	C

Note in this example that the cut-off date for EB3, which is a work-based, third-preference visa, is **01MAR23**. And for the EB3-U subcategory it is **22MAY21**. That is, only processes whose Form I-140 has a priority date before **March 1, 2023** (for EB3-U, the date is May 22, 2021), as long as it has not been denied, in the case of adjustment of status, can have your Form I-485 filed (optionally, but highly recommended, to attach forms I-765 and I-131, to avoid additional fees and gain processing time for these requests, if you wish). As stated earlier, by the "rule", but it is not what we are seeing in "practice", this would be the reference date for the NVC to accept the payment of fees and the submission of its documents for a process whose I-140 has a priority date prior to **March 1, 2023** (for EB3-U, May 22, 2021), and is duly approved, for consular cases; and after the approval of your documents, your process would be "DQ".

**2. Priority Date:**

The Priority Date is a crucial date associated with each employment-based immigration petition. This date is established when the petition is filed with

USCIS or when USCIS approves the petition, depending on the category and demand for visas.

For employment-based processes that have a sponsor, such as EB3, the priority date is the date of submission of your Labor Certification (LC) to the DOL. This date is shown on the header of your Form I-140 (I-797C) filing receipt

For employment-based processes that do not have a sponsor, as is the case with EB2-NIW, your priority date is the filing date of your Form I-140. To verify this date, accurately, check the header of the receipt sent by USCIS (I-797C), where it says "Priority Date".

Department of Homeland Security U.S. Citizenship and Immigration Services		Form I-797C, Notice of Action	
<b>THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.</b>			
NOTICE TYPE Receipt		NOTICE DATE January 12, 2018	
CASE TYPE I-120, Petition for Alien Relative		USCIS ALIEN NUMBER	
<b>PRIORITY DATE January 10, 2018</b>		RECEIVED DATE January 10, 2018	PAGE 1 of 1
		PREFERENCE CLASSIFICATION 201 B INA SPOUSE OF USC	DATE OF BIRTH
PAYMENT INFORMATION:			

- Current: If the date in the Visa Bulletin table is listed as "C" to "Current," it means that there are visa numbers available for all petitions with priority dates prior to that date.

- Retrogression: If the priority date recedes, there may be a delay in the processing of petitions. This may be due to high demand in a particular category or due to annual visa limitations. When this occurs, the deadline is informed in the Visa Bulletin.

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## 5.6: PROCESSING FEES AND ASSOCIATED COSTS

In this section, we will provide detailed information about the processing fees associated with EB-3. You will understand how much it costs to submit the petition, schedule interviews, and what additional fees may arise during the process.

USCIS may adjust its fees from time to time, and information on forms fees can be found on the [All Forms](#) page .

You can use a [Fee Calculator](#) to determine the exact filing and biometric services fees for any form processed by a [USCIS Unit](#).

For a complete list of all USCIS fees, please refer to the [USCIS](#) Fee Schedule.

In addition to USCIS fees, an EB-3 process has several other costs that need to be considered:

- attorney's fees, if you hire a;
- mentoring fees, if you decide on a;
- medical tests and vaccinations;
- travel and/or accommodation expenses;
- translations, as it is recommended not to do your own translations, even if you are fluent;

### How to Pay USCIS Filing Fees

How you pay your USCIS filing fees (including biometric services fees and other fees) will depend on whether you are inside or outside the United States.



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## Chapter 6: Questions & Answers

The EB-3 visa is one of the main categories of employment-based immigration in the United States, with three subcategories: **Skilled Workers**, **Professionals**, and **Other Workers**. Below, we address the main questions about the process, differences and similarities between the subcategories.

### 1. What is the EB-3 Visa?

The EB-3 visa is an employment-based immigration category that allows foreign workers to obtain permanent residency in the U.S. It is divided into three subcategories:

- **Skilled Workers:** Requires at least two years of experience or training in the specific field.
- **Professionals:** Requires a bachelor's degree or equivalent.
- **Other Workers:** For roles that require less than two years of experience or training and are not temporary or seasonal.

### 2. What are the general requirements for EB-3?

- A permanent, full-time job offer in the U.S.
- U.S. Department of Labor-approved labor certification (PERM) proving that there are no U.S. skilled workers available for the position.
- Fulfilment of the specific requirements of the chosen subcategory.

### 3. What are the main differences between EB-3 subcategories?

Subcategory	Key Requirements	Examples of Occupations
Professionals	Bachelor's degree or equivalent	Engineers, teachers, accountants
Skilled Workers	At least 2 years of experience or training	Technicians, electricians, chefs
Other Workers	Less than 2 years of experience or training	Farm workers, house cleanings

### 4. What are the similarities between the subcategories?

- All require a permanent, full-time job offer.
- All require labor certification (PERM) approved by the Department of Labor.
- In all categories, the employer must demonstrate that there are no U.S. workers available to fill the vacancy.

### 5. What is PERM certification and why is it necessary?

PERM certification is a process in which an employer proves to the U.S. Department of Labor that they tried to hire qualified U.S. workers for the position but failed. It is mandatory for all EB-3 subcategories.

### 6. Is it possible to include dependents in the EB-3 process?

Yes, spouses and unmarried children under the age of 21 can be included as dependents in the EB-3 visa application. After approval, they can also obtain permanent residency in the U.S.

### 7. How long does the EB-3 visa process take?

The time varies depending on the applicant's nationality and the demand for visas in the EB-3 category. In general, it can take several years due to the annual limits on available visas and queues per country.

### **8. Can I change employers after obtaining an EB-3 Green Card?**

Yes, once you get the Green Card, you are no longer bound to the sponsoring employer. However, it is recommended to stay in employment for a reasonable period of time after approval to avoid problems with immigration.

### **9. How does EB-3 compare to EB-2?**

The main difference is in the requirements:

- EB-2 requires an advanced degree (such as a master's degree) or exceptional skills.
- EB-3 has more affordable requirements: bachelor's degree (for professionals) or minor experience/training (for skilled and unskilled workers).

### **10. What are the most common reasons for EB-3 visa denial?**

Among the most frequent reasons are:

- Failures in the documentation presented by the employer.
- Lack of a genuine job offer.
- Failure to meet the minimum requirements of the chosen subcategory.

### **11. Is the EB-3 Visa a good option for those who are starting their career?**

Yes! The "Professionals" subcategory allows recent graduates with a bachelor's degree to apply, as long as they have a job offer in their field of training.

### **12. Which sectors use the EB-3 visa the most?**

The most common industries include:

- Health (nurses, physiotherapists).
- Civil construction (bricklayers, carpenters).
- Information Technology.
- Agriculture and general services.

**13. Is it possible to change my classification within the EB-3 process?**

Yes, in some situations it is possible to adjust your classification among the EB-3 subcategories or even change to another category such as EB-2, depending on the qualifications and requirements of the position offered.

**14. What are the specific requirements for each EB-3 subcategory?**

- **Professionals:** Requires a bachelor's degree or foreign equivalent, and the occupation should normally require such training. Examples include engineers, teachers, and accountants.
- **Skilled Workers:** It is necessary to have at least two years of experience or training in the specific area. Examples include technicians, chefs, and electricians.
- **Other Workers:** For roles that require less than two years of experience/training, or even no previous experience/training, such as agricultural, domestic, or cleaning workers.

**15. Is it necessary to speak English to apply for EB-3?**

It is not mandatory to be fluent in English for the EB-3 visa, especially in the "**Other Workers**" subcategory. However, fluency can be a differential depending on the position offered.

**16. What are the main advantages of the EB-3 visa?**

- Allows permanent residency in the USA (Green Card).
- Includes spouses and unmarried children under the age of 21 as dependents.
- Offers the opportunity to work legally in the U.S. in a variety of professional fields.
- Does not require extremely stringent qualifications in some subcategories.

**17. Is there a minimum age to apply for EB-3?**

Yes, the minimum age is usually 18 years old, as it is necessary to be legally able to work in the United States



**18. Can the spouse and children work or study in the U.S. on the EB-3 visa?**

Yes. The spouse can apply for a work authorization (EAD) and the children can legally study in the U.S. while waiting for the Green Card.

**19. What are the annual limits for EB-3 visas?**

About 40,000 visas are allocated annually to EB-3 within the global quota of 140,000 employment-based visas. Each country has a maximum limit of 7%, which can lead to delays depending on the nationality of the applicant.

**20. Can I change employers before obtaining a Green Card, after I-140 approval, and with I-485 pending or without I-485 filed?**

**With the I-485 pending:**

Yes, it is possible to change employers while Form I-485 (Adjustment of Status) is pending, as long as the conditions set forth by the *American Competitiveness in the Twenty-First Century Act (AC21)* are met. The main conditions are:

- Form I-485 must be pending for **at least 180 days**.
- The new job must be in the same area or in a "similar" occupation to the one described on the original Form I-140.
- It is necessary to file Form I-485 Supplement J to confirm the new job offer and demonstrate that it meets the requirements for "same or similar occupation" as required by law.

If these conditions are met, you can "port" your process to the new employer without needing to restart the Green Card process. This allows you to maintain the priority of your original petition (I-140) and continue with the Adjustment of Status.

**Without the I-485 filed:**

If the I-485 has not yet been filed, changing employers will be more complicated. In that case:

- You will need the new employer to initiate a new labor certification process (PERM) and file a new Form I-140 on your behalf.
- While it is possible to keep the priority date of the previous I-140 (if already approved), the entire process will be restarted based on the new employer.

Therefore, changing employers before the I-485 filing usually entails starting the steps of the EB-3 process again.

**Important Considerations:**

- If you change jobs without meeting the requirements of AC21 (for example, if the I-485 is pending for less than 180 days), your petition may be invalidated, and you will need to restart the entire process with a new employer.
- Even after the move, it is essential that the new offer is genuine and meets legal requirements to avoid issues with USCIS during the case review.

If you are considering changing employers in any of these situations, it is highly recommended to consult with an experienced immigration attorney licensed in the U.S. to ensure that all rules are followed correctly.

These questions cover key aspects of the EB-3 process and its subcategories, helping applicants better understand the requirements and steps involved in the path to permanent residency in the United States.

## Chapter 7: Final Message

The end of this guide highlights the ongoing commitment to the applicant's journey towards the EB-3 visa. This process can be challenging, but with dedication, a thorough understanding of the requirements and the right guidance, it becomes an achievable journey. Pursuing EB-3 is not only a pathway to permanent residency in the United States, but also an opportunity to contribute significantly to the country through in-demand occupations.

As we conclude this guide, we reinforce the importance of seeking specialized legal advice to ensure that each step is taken in accordance with specific regulations and requirements. Each case is unique, and the assistance of experienced professionals can be a key differentiator in the success of the process.

We encourage readers to explore more resources, deepen their understanding of EB-3 and, if any questions arise, seek clarification from qualified professionals. This is a crucial chapter in your lives, and I am confident that, with perseverance and knowledge, you will achieve your goals.

Don't trust "professionals" who give you guarantees of approval, even for a category whose approval rate is quite high, a lot can happen during the process and no one is free of problems! Be wary of promises of "unrealistic" deadlines. These should be the first warning signs that something might be wrong. This guide was created precisely for this purpose, i.e. to provide you with comprehensive information so that you can study the process, analyze the requirements for approval, compare them with your reality and possibilities and make the best decision.

Being eligible for EB-3 alone doesn't guarantee you anything! You need much more than that: you need to present a solid, well-founded petition that meets the criteria established by the US immigration authorities.

Remember that EB-3 has specific and objective requirements, but it still requires attention to detail. The process involves steps such as labor certification and proving that you meet the qualifications required for the sponsored occupation. That's why it's essential to understand the process, its requirements and to work together with your employer and specialized consultants to ensure a robust application.

Another important point! If you are applying from inside the USA, never abandon your immigration status. No matter how much they tell you to do so, believe me: you may regret it bitterly if you encounter barriers to the approval of your application. In very rare cases, a lost status is reversed. Don't be overconfident and always take care of your status! Remember: applying for an adjustment of status does NOT guarantee you legal status, but only authorized permanence while it is pending. Therefore, if you need to reapply for a new process and you have previously abandoned your status, you will be ineligible for a new adjustment of status.

Always seek out a reliable immigration attorney licensed in the US (always require a BAR) for further information or questions about your immigration status.

Thank you for choosing this guide as part of your journey and I wish all applicants success in their efforts to achieve the EB-3 visa and, consequently, a new phase in their lives in the United States.

Good luck!

Ramon Rocha

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THE INFORMATION ABOUT THE EB3 PROCESS IN YOUR HANDS.**

**MODULE I - PERM and General Aspects of the Immigration Process**

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