

Immigrant Visa Type	Description	Requirements	Criteria	Application Process and Time Frames
<p>National Interest Waiver / EB-2</p>	<p>Two types: Professionals holding advanced degrees (beyond Bachelor's or Bachelor's plus at least 5 years of progressive experience in the profession) and persons of exceptional ability. Applicants may apply for an exemption, known as a National Interest Waiver, from the job offer and labor certification if the exemption would be in the national interest.</p>	<ul style="list-style-type: none"> • Professionals holding an advanced degree must provide official documentation of academic achievement such as degrees or letters from current or former employers to prove at least 5 years of progressive experience in the specialty field. • Persons with exceptional ability must be able to show exceptional ability in the sciences, arts, or business. Exceptional ability "means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business." • Persons seeking a national interest waiver (NIW) must demonstrate that it is in the national interest that they work permanently in the United States. • Must have a labor certification approved by the U.S. Department of Labor, unless applying for the NIW. 	<p>EB-2 applicants must meet at least 3 of the following:</p> <ul style="list-style-type: none"> • Official academic record showing that you have a degree, diploma, or similar award from a college, university, or other institution of learning related to your specialty • Letters documenting at least 10 years of full-time experience in your occupation • A license to practice your profession or certification for your profession or occupation • Evidence that you have commanded a salary for services that demonstrates your exceptional ability • Membership in a professional association(s) • Recognition for your achievements and significant contributions to your field by your peers, government entities, professional or business organizations • Other comparable evidence of eligibility is also acceptable. 	<ul style="list-style-type: none"> • Employer must file a Form I-140, Petition for Alien Worker at USCIS office. • NIW applicants may self-petition and may file their labor certification directly with USCIS along with their Form I-140. • Standard: 3 months or longer; processing time varies. • No premium processing.
<p>EB-1-1 Extraordinary Ability</p>	<p>Persons with extraordinary ability in the sciences, arts, education, business, or athletics.</p>	<ul style="list-style-type: none"> • Must have extensive documentation showing sustained national or international acclaim and recognition in their fields of expertise. Such applicants do not have to have specific job offers, so long as they are entering the U.S. to continue work in the fields in which they have extraordinary ability. 	<p>EB-1-1 applicants must provide evidence of a one-time achievement (i.e. Pulitzer, Oscar, Olympic Medal) OR meet at least 3 of the following:</p> <ul style="list-style-type: none"> • Evidence of receipt of lesser nationally or internationally recognized prizes or awards for excellence • Evidence of your membership in associations in the field which demand outstanding achievement of their members • Evidence of published material about you in professional or major trade publications or other major media • Evidence that you have been asked to judge the work of others, either individually or on a panel • Evidence of your original scientific, scholarly, artistic, athletic, or business-related contributions of major significance to the field • Evidence of your authorship of scholarly articles in professional or major trade publications or other major media • Evidence that your work has been displayed at artistic exhibitions or showcases • Evidence of your performance of a leading or critical role in distinguished organizations • Evidence that you command a high salary or other significantly high remuneration in relation to others in the field • Evidence of your commercial successes in the performing arts 	<ul style="list-style-type: none"> • Employer must file a Form I-140 at USCIS office. • Applicants can self-petition and file their own Form I-140 with the USCIS. • Standard: 3-8 months; processing time varies • Premium Processing: 15 days

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<p>EB-1-2 Outstanding Researcher</p>	<p>Outstanding professors and researchers with at least three years experience in teaching or research, who are recognized internationally.</p>	<ul style="list-style-type: none"> • Must have at least 3 years experience in teaching or research in that academic area. • Must be coming to the U.S. to pursue tenure, tenure track teaching, or a comparable research position at a university or other institution of higher education. 	<p>EB-1-2 applicants must include a job offer from the prospective U.S. employer AND documentation of at least 2 of the following:</p> <ul style="list-style-type: none"> • Evidence of receipt of major prizes or awards for outstanding achievement • Evidence of membership in associations that require their members to demonstrate outstanding achievement • Evidence of published material in professional publications written by others about the alien's work in the academic field • Evidence of participation, either on a panel or individually, as a judge of the work of others in the same or allied academic field • Evidence of original scientific or scholarly research contributions in the field • Evidence of authorship of scholarly books or articles (in scholarly journals with international circulation) in the field 	<ul style="list-style-type: none"> • Prospective employer must provide a job offer and file Form I-140 at USCIS office. • Applicant cannot self-petition. • Standard: 3-8 months; processing time varies • Premium Processing: 15 days

Nonimmigrant Visa Type	Description	Requirements	Employment Restrictions	Duration of Stay	Application Process and Time Frames
O-1 Individuals with Extraordinary Ability or Achievement	Individual of extraordinary ability in the sciences, arts, education, business, or athletics who are in the U.S. to work for a sponsoring employer or organization.	<ul style="list-style-type: none"> Must possess "extraordinary ability" in your field and show recognition and achievement through at least 3 of the following: Nobel Prize/awards; membership in prestigious societies; scholarly articles; review of work of others; contributions of significance to field; high salary; published material about the alien; employment in critical role for established organizations. Must provide proof of international recognition and major scholarly achievement. 	<ul style="list-style-type: none"> Must be employed or compensated only by the O-1 petitioning employer or agency through whom the status was obtained. Automatically revoked if employer goes out of business. Must intend to remain temporarily, but dual intent is recognized. 	3 years initial stay with unlimited extensions in 1 year increments.	<ul style="list-style-type: none"> Petitioner must file Form I-129 at USCIS office Standard: 3-6 months Premium Processing: 15 days
E-1 / E-2 Treaty Trader / Treaty Investor	Foreign national coming to U.S. to carry on substantial or international trade (E-1) or substantial investment (E-2) between U.S. and foreign national's country.	<ul style="list-style-type: none"> E-1: Must be business owner, manager, executive or key employee with essential skills. Be a national of a country with which the United States maintains a treaty of commerce and navigation. E-2: Must be business owner or hired executive manager or employee with essential skills. Requires substantial documentation of business plan and investment. At least 50% of U.S. company must be owned by nationals of same treaty country as foreign national. 	<ul style="list-style-type: none"> Principal E-1 and E-2 can be employed only by the trade-qualifying company through whom the status was obtained. E-1: No minimum volume of trade as long as can document regular flow of goods or services. E-2: No minimum investment or minimum number of employees. 	2 years initial stay with unlimited extensions in 2 year increments.	<ul style="list-style-type: none"> If in the U.S., petitioner may file Form I-129 at USCIS office Applicant must submit Form DS-160 Standard: 6 months Premium Processing: 15 days
L-1A / L-1B Executive Manager / Specialized knowledge intracompany transferee	Transfer of personnel between related U.S. and foreign entities. L-1A is for executives/managers. L-1B is for specialized knowledge.	<ul style="list-style-type: none"> Must have been employed abroad continuously for one of the past 3 years by parent, branch, affiliate, or subsidiary of U.S. company before application. Must be seeking to enter in a capacity that is managerial or executive (L-1A), or specialized knowledge (L-1B). Specialized knowledge must be uncommon, not easily acquired but is gained from significant experience with company abroad, and necessary and relevant to successful conduct of the employer's operations. 	<ul style="list-style-type: none"> Must be employed or compensated only by the L-1 petitioning employer or agency through whom the status was obtained. "Specialized knowledge" must be obtained by applicant prior to entering the U.S., and therefore should not require any training in the U.S. Employee may remain on overseas payroll or be paid outside of U.S. 	3 years initial stay with 2 year extensions. L-1A limited to 7 years total. L-1B limited to 5 years total.	<ul style="list-style-type: none"> Petitioner must file Form I-129 at USCIS. Standard: 2-3 months Premium Processing: 15 days
H-1B Specialty Occupation Workers	Temporary worker in a specialty occupation.	<ul style="list-style-type: none"> Must have at least a bachelor's degree or equivalent in a specialized field. Occupation must require theoretical and practical application of highly specialized knowledge. Must meet minimum education/credential requirements of specialized position. 	<ul style="list-style-type: none"> "Dual intent" is allowed. Employer must meet DOL prevailing wage requirement, post job notice and file Labor Condition Application. Annual numerical CAP on H-1Bs: 65,000 Bachelor's; 20,000 for Master's or higher. Must remain employed to maintain lawful status. 	3 years initial stay with 3 year extensions. Maximum of 6 years (with some exceptions).	<ul style="list-style-type: none"> Petitioner must file Form I-129 at USCIS and LCA at USDOL. Standard: 3-6 months Premium processing: 15 days