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# Physician filing green card

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Submitted by Chief Editor on Nov 19th 2015

1. I am a Canadian physician on an H-1B (never been on J-1) which expires June 30th, 2017. I am currently doing a 2 year fellowship. I'm contemplating pursuing the physician NIW process vs EB-2 through potential employer. For EB-2, my understanding is that I need to be eligible for a full-time physician position on the day the employer submits the ad. Since I won't complete my general residency until June 30th, 2016, my potential employer cannot begin recruitment until July 1, 2016, correct?

2. In your experience, is 1 year enough time to complete the EB-2 process?

### **ANSWER:**

See clip from Attorney Rajiv S. Khanna's conference call video that addresses this question.

[https://youtu.be/H\\_VV9kV\\_I0g?t=1852](https://youtu.be/H_VV9kV_I0g?t=1852)<sup>[2]</sup>

### **FAQ Transcript:**

Answer 1. In this context we are talking about a PERM and not the NIW. Also remember NIW is under EB-2. Most physicians fall under the EB-2 category. Here is how a PERM can be drafted. It depends on your employers, your lawyers and you and there is no requirement that you be fully licensed. Only that you are eligible for a license, or you are at a certain level of profession shall we say maturity or advancement so it could be possible to file for a PERM depending upon what the employers requirements are and what the state rules for licensing are to file upon even before what you believe is your eligibility. Also remember rules for giving full license to residents differ from state to state. They are not the same in every state. So you have to look at the states in which you are going to start the PERM application.

Note: Your eligibility for licensing does not have to be from when the date of recruitment begins. It has to be established the date the PERM is filed and typically recruitment can last a few months. Before that your eligibility must be perfect upon the date PERM is filed and not when the recruitment begins.

Answer 2. It may or may not be, very difficult to say.

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## **Profession/Occupation:**

[Physicians](#) [4]

## **Green Card:**

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**Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [8] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [9]**

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### **Links:**

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