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EB-2 Advanced Degrees & Experience

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EB-2 Professionals with Advanced Degrees or Persons with Exceptional Ability

The following persons fall under this category:

- Foreign nationals of exceptional ability in the sciences, arts, or business;
- Foreign nationals that are advanced degree professionals; and
- Qualified alien physicians who will practice medicine in an area of the U.S., which is underserved.

The EB-2 classification includes: aliens who are "members of the professions holding advanced degrees or their equivalent" (that is, any degree above a baccalaureate degree or a baccalaureate degree with at least 5 years of progressive experience in the professions) and aliens who because of their exceptional ability in the sciences, arts, or business will substantially benefit the national economy, cultural, or educational interests or welfare of the United States. The services should be sought by the employer in the U.S.

If you are a worker with exceptional ability in the sciences, arts, or business, you may apply to waive the requirement that you have a job offer if such a waiver would be in the national interest.

Exceptional Ability Aliens

In order to be classified as having exceptional ability in the sciences, arts, or business, the individual must provide documentation of at least three of the following:

- An official academic record showing the alien has a degree, diploma, certificate or similar award from a college, university, school or other institution of learning relating to the area of exceptional ability;
- Letters documenting at least ten years of full-time experience in the occupation being sought;
- A license to practice the profession or certification for a particular profession or

occupation;

- Evidence that the alien has commanded a salary or other remuneration for services that demonstrates exceptional ability;
- Membership in professional associations; and
- Recognition for achievements and significant contributions to the industry or field by peers, government entities, professional or business organizations.

If the above standards do not apply to the petitioner's occupation, other comparable evidence of eligibility is also acceptable. The aliens in this group are required to have a degree of expertise above that which is ordinarily encountered in their field. A labor certification is not required if the job offer requirement is waived.

Schedule A Occupations

Under the Department of Labor Schedule A, certain occupations do not require individual labor certifications. Such labor certifications are pre-certified. However, under Group II of Schedule A, the employer must submit the labor certification application to the USCIS with other documentation showing the alien's work over the preceding 12 months that required exceptional ability and the alien's work in the U.S. that requires exceptional ability. Under Group II, aliens of exceptional ability in the performing arts are also included. Under Schedule A Group II, evidentiary requirements are similar to that of the extraordinary ability evidentiary requirements of the first preference category. In order to be classified as having exceptional ability in this category, the individual must provide documentation of at least two of the following in the field which certification is sought:

- Receipt of internationally recognized prizes or awards of excellence in the field which certification is sought;
- Membership in international associations;
- Published material about the alien in professional publication;
- Alien's participation on a panel or individually as a judge of the work of others;
- Alien's original scientific or scholarly research contributions;
- Alien's authorship of published scientific or scholarly articles; and
- Evidence of display of alien's work at exhibitions in various countries.

Advanced Degree Professionals

A petition for a foreign professional holding an advanced degree may be filed when the job requires an advanced degree (beyond the baccalaureate--i.e., a Master's Degree or higher) and the alien possesses such a degree or the equivalent. In lieu of the Master's Degree, the alien may use his/her U.S. baccalaureate degree or a foreign equivalent degree and at least five years of his/her progressive post-baccalaureate experience in the specialty. Under the regulations, evaluation of the alien's education and experience to determine the equivalency of a Bachelor's Degree is not allowed.

Please further note that in a liaison meeting with AILA in June 2007, the USCIS Nebraska Service Center is reported to have changed its stand about what is considered to be equivalent to a U.S. Master's Degree for Employment-Based Category 2. Each petition and its supporting documentation are examined on a case-by-case basis and degree equivalencies are based on the evidence presented with the individual case. However, the below is provided as a general outline:

- **U.S. Master?s Degree** ? As long as it is in the field required, no additional document is required.
- **Four-year Bachelor?s Degree + two-year Master?s Degree (India)** ? With degrees in the same or related fields, this will generally be considered the equivalent to a U.S. Master?s Degree and no additional document is required.
- **Three-year Bachelor?s Degree + three-year Master?s Degree (India)** ? With degrees in the same or related fields, this will generally be equivalent to a U.S. Master?s Degree and no additional document is required.
- **Three-year Bachelor?s Degree + one-year postgraduate diploma + two-year Master?s Degree (India) with degrees in the same or similar field** - This would generally be considered the equivalent of a Bachelor?s Degree plus one additional year of education. Therefore, the beneficiary would also need to have five years' progressive experience. If the postgraduate diploma is determined to be progressive postgraduate education that is a continuation of the three-year Bachelor?s Degree, it is possible that this would be considered the equivalent to a U.S. Master?s Degree and there would be no need to establish five years' progressive experience.
- **Three-year Bachelor?s Degree + two-year Master?s Degree (India)** ? Generally, this would be the equivalent of a Bachelor?s Degree + one year and would require five years' progressive experience to qualify under the 2nd preference (EB-2) category.
- **Three-year Bachelor?s Degree + two-year Master?s Degree (India) + five years' progressive, post-Master?s Degree experience** ? Generally, the educational degrees would be determined to be the equivalent of a U.S. Bachelor?s + one year and the beneficiary would meet the statutory requirement.
- **Three-year Bachelor?s Degree + two-year Master?s Degree + one-year postgraduate diploma (India)** ? Generally, this would be the equivalent of a Bachelor?s Degree + one year and would require five years' progressive experience to qualify under the 2nd preference category (EB-2). If the postgraduate diploma is determined to be progressive postgraduate education that is a continuation of the three-year Bachelor?s Degree or the two-year Master?s Degree, it is possible that this would be considered the equivalent to a U.S. Master?s Degree, and there would be no need to establish five years' progressive experience.

The petition must include documentation, such as an official academic record showing that the alien has a U.S. advanced degree or a foreign equivalent degree, *or* an official academic record showing that the alien has a U.S. baccalaureate degree or a foreign equivalent degree and letters from current or former employers showing that the alien has at least five years of progressive post-baccalaureate experience in the specialty. The post-baccalaureate experience should reflect increasing or advancing levels of responsibility and knowledge in the specialty. The profession should be an occupation for which a baccalaureate degree or its foreign equivalent is the minimum requirement for the entry in the field.

Green Card:

[EB2 Green Card](#) ^[2]

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