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EB-3 Bachelor's Degree, Skilled, Unskilled Workers

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EB-3 Overview

EB-3 Classification is appropriate for:

Professionals with a baccalaureate degree (or foreign equivalent degree but not necessarily any experience);

Skilled Workers with at minimum two years of experience (there is no degree requirement); and

Unskilled Workers who have less than two years of training or experience.

Labor Certification (PERM) Required, except Nurses and Physical Therapists

With two exceptions, EB-3 Visa applicants are required to obtain a **Labor Certification, called a PERM (Program Electronic Review Management)** ^[2] from the U.S. Department of Labor (DOL). The two exceptions are for **Nurses** ^[3] and **Physical Therapists** ^[4] ^[3], as the DOL has determined there are not sufficient U.S. workers who are able, willing, qualified, and available to fill all of the available physical therapist and nurse jobs.

The reason for the Labor Certification is that a company is not allowed to hire a foreign worker if a "U.S. worker" is qualified and available to do the job. In the application for a Labor Certification, the prospective employer must certify that it has tested the labor market to ensure that, at any given point, there are no willing and able U.S. citizens, Green Card holders, and asylees available for the open position for which Labor Certification is being sought. By approving a PERM Petition, DOL certifies that no sufficiently qualified U.S. workers (U.S. citizens, Green Card holders, and asylees) exist in the employment area to fill the open position at the time when recruitment is conducted. The employer may then proceed to file the immigrant petition for the foreign worker and hire the foreign worker (technically referred to as "alien") on a permanent basis.

Specific Information for Nurses and Physical Therapists

Those interested in an EB-3 Nurse position should [click here](#) [3] for more information.

Those interested in an EB-3 Physical Therapist position should [click here](#) [4] for more information.

Backlog for EB-3 Applicants

While eligibility requirements for the EB-3 classification are less rigorous than the EB-1 and EB-2 classifications, be aware that a long backlog exists for visas in the EB-3 classification. [Click here](#) [5] to see the Visa Bulletin for the delay time.

EB-3 Requirements

Professionals must hold a U.S. baccalaureate degree or foreign equivalent degree that is normally required for the profession. A combination of education and experience may not be substituted for the degree. The occupation should require the minimum of a Bachelors? Degree for entry into the occupation. In addition, the worker should be a member of the profession.

Skilled Worker positions are not seasonal or temporary and require a permanent job offer and at least two years of experience or training. The training requirement may be met through relevant post-secondary education. Any professional lacking a Bachelor?s Degree who does not fall in the professional group will qualify as a skilled worker. Whether the job would be covered under EB-3 will be decided by USCIS based on the job requirements listed in the Labor Certification form.

Unskilled Worker positions require less than two years of training or experience to perform and cannot be seasonal or temporary. Even if the worker has more than two years of training or experience in the occupation, if the occupation does not require two years of training or experience, the worker is deemed an Unskilled Worker.

EB-3 Application Procedures

In order to obtain permanent residency through the EB-3 classification, the applicant must have a Petitioner/Employer willing to sponsor him or her through Labor Certification. All **I-140 (Immigrant Petition for Alien Worker)** [6] EB-3 petitions except nurses and physical therapists must include a certified labor certification and a permanent, full-time job offer.

Please note that the applicant does not have to be employed when labor certification is filed, as a job offer for future employment is sufficient. After the I-140 is approved, as long as the beneficiary's priority date is current, the beneficiary, if legally in USA (there can be some exceptions to the "legally in USA" rule), may apply for an **Adjustment of Status through I-485** [7]. The beneficiary may also opt for Consular Processing.

Family of EB-3 Visa Holders

The spouse of an EB-3 holder may be admitted to the U.S. in E34 (spouse of a *Professional* or *Skilled Worker*) or EW4 (spouse of an *Other Worker*). During the process when the applicant and spouse are applying for Legal Permanent Resident (LPR) status (Green Card status), the spouse is eligible to file for an Employment Authorization Document (EAD). Minor children (under the age of 18) of the EB-3 holder may be admitted as E35 (child of a *Professional* or *Skilled Worker*) or EW5 (child of an *Other Worker*).

More Information

Those interested in an EB-3 position other than Nurse or Physical Therapist should **click here** [2] for more information on a Labor Certification (PERM).

Those interested in an EB-3 Nurse position should **click here** [3] for more information.

Those interested in an EB-3 Physical Therapist position should **click here** [4] for more information.

Green Card:

EB3 Green Card [8]

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Links:

[1] <https://immigration.com/greencard/eb3-green-card/eb-3-bachelors-degree-skilled-unskilled-workers>

[2] <http://www.immigration.com/greencard/perm-labor-certification/perm>

[3] <http://www.immigration.com/green-card-nurses>

[4] <http://www.immigration.com/physical-therapists/physical-therapists>

[5] <http://www.immigration.com/visa-bulletin>

[6] <http://www.immigration.com/greencard/form-i-140/i-140-immigrant-petition-alien-worker>

[7] <http://www.immigration.com/greencard/advance-parole/i-485-ead-ap-fp>

[8] <https://immigration.com/greencard/green-card/employment-based-green-cards/eb3-green-card>