

Family Based Immigration

INA § 201(b)(2)(A)(i) & 203(a) / 8 CFR § 204.1-4

Immediate Relatives

1. Spouses of U.S. Citizens
2. Children (under 21 years of age & unmarried) of USC
3. Parents of USC where child is over 21
(no derivatives)

First Preference

Unmarried sons and daughters (at least 21) of USC

Second Preference A

1. Spouses of Legal Permanent Resident
2. Children (under 21 years of age & unmarried) of LPR

Second Preference B

Unmarried sons & daughters (at least 21) of LPR

Third Preference

Married sons & daughters (at least 21) of USC

Fourth Preference

Brothers & Sisters of USC where USC over 21

Employment Based Immigration

INA § 203(b) / 8 CFR § 204.5-6

First Preference

(No LC required)

1. Aliens with extraordinary ability in the sciences, arts, education, business or athletics
2. Outstanding Professors and Researchers
3. Multinational Executives and Managers

Second Preference

(LC Required)

1. Aliens of exceptional ability in sciences, arts or business
2. Professionals with Advanced degrees or equivalent
3. National Interest Waiver (No LC Required)

Third Preference

(LC Required)

1. Professionals with bachelor's degree or equivalent
2. Skilled workers with 2 years experience required
3. Other workers (Unskilled - less than 2 years exp. required)

Note: Schedule A (LC pre-certified): Group 1 (Physical Therapists & Nurses)

20 CFR § 656.5(a)

Group 2 Aliens of exceptional ability in sciences/arts
(includes college/university teachers) & performing arts

Fourth Preference

(No LC required)

Special Immigrants (Religious Workers, SIJS)

Fifth Preference

(No LC required)

Employment Creation (Investors)