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Green Card for Employment-Based Immigrants

U.S. immigration law provides aliens with a variety of ways to become lawful permanent residents (get a Green Card) through employment in the United States. These employment-based (EB) “preference immigrant” categories include:

- [First preference \(EB-1\)](#) – priority workers
 - Aliens with extraordinary ability in the sciences, arts, education, business, or athletics;
 - Outstanding professors and researchers; or
 - Certain multinational managers and executives.
- [Second preference \(EB-2\)](#) – aliens who are members of the professions holding advanced degrees or who have exceptional ability (including requests for national interest waivers).
- [Third preference \(EB-3\)](#) – skilled workers, professionals, or other workers.

This page provides specific information for aliens in the United States who want to apply for lawful permanent resident status in the EB-1, EB-2, and EB-3 categories while in the United States. This is called “adjustment of status.” You should also read the [Instructions for Form I-485, Application to Register Permanent Residence or Adjust Status](#) before you apply.

For more information on other types of employment-based immigrants, see our pages on Green Cards for [EB-4 special immigrants](#) (for example, religious workers and special immigrant juveniles) and [EB-5 immigrant investors](#).

If you are currently outside the United States, see [Consular Processing](#) for information about how to apply for a Green Card as a family preference immigrant.

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Eligibility for Adjustment of Status



If you are currently in the United States, in order to be eligible for a Green Card as an EB-1, EB-2, or EB-3 immigrant, you must meet the following requirements:

- You properly file [Form I-485, Application to Register Permanent Residence or Adjust Status](#);
- You were inspected and admitted or inspected and paroled into the United States;
- You are physically present in the United States at the time you file your Form I-485,



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- You are eligible to receive an immigrant visa;
- An immigrant visa is immediately available to you at the time you file your Form I-485 and at the time USCIS makes a final decision on your application. (For information on visa availability, see [Visa Availability and Priority Dates](#), [Adjustment of Status Filing Charts](#), and the Department of State website to view the [Visa Bulletin](#));
- The job offered to you in the [Form I-140, Immigrant Petition for Alien Worker](#) still exists with the employer that filed the Form I-140 on your behalf, and you plan to accept the job once USCIS approves your Form I-485. If you filed Form I-140 as a self-petitioner, you must plan to work in the same or similar occupational field as specified in your Form I-140;
 - Note: Even if you have a new job or employer, [section 204\(j\) of the Immigration and Nationality Act \(INA\)](#) allows the approved Form I-140 to remain valid for adjustment of status purposes if:
 - You submit evidence that the new job is in the same or a similar occupational classification as the job in the original Form I-140; and
 - The Form I-485 you filed based on the Form I-140 remains adjudicated for 180 days or more; and
- None of the applicable bars to adjustment of status apply to you;
- You are admissible to the United States for lawful permanent residence or eligible for a waiver of inadmissibility or other form of relief; and
- You merit the favorable exercise of [USCIS' discretion](#).

Inspected and Admitted or Inspected and Paroled

Generally, to be eligible to adjust status, you must be present in the United States after being “inspected and admitted” or “inspected and paroled” by an immigration officer. There are some limited exceptions to this eligibility requirement. For more information on this requirement, see USCIS Policy Manual [Volume 7, Adjustment of Status, Part B, Chapter 2, Section A, “Inspected and Admitted” or “Inspected and Paroled”](#).

Eligibility to Receive an Immigrant Visa

You are eligible to receive an immigrant visa, if you are the beneficiary of:

- An approved Form I-140 filed on your behalf;
- A pending Form I-140 (that is ultimately approved); or
- A Form I-485 filed together with the Form I-140 (and the Form I-140 is ultimately approved).

Bars to Adjustment



Depending on how you entered the United States or if you committed a particular act or violation of immigration law, you may be barred from adjusting status. You are ineligible to apply for adjustment of status if one or more bars to adjustment listed in [section 245\(c\) of the Immigration and Nationality Act](#)

(INA) apply to you. For more information, please see [USCIS Policy Manual Volume 7, Adjustment of Status, Part B, 245\(a\) Adjustment](#).

Applying Under INA 245(i) (LIFE Act)

You may be able to adjust status under INA [245\(i\)](#) even if you are subject to one or more adjustment bars and are therefore ineligible for adjustment of status under INA [245\(a\)](#). See the separate [Instructions for Form I-485 Supplement A, Adjustment of Status Under Section 245\(i\)](#) for more information.

Grounds of Inadmissibility

To qualify for a Green Card, you must be admissible to the United States. Reasons why you may be inadmissible are listed in the [INA 212\(a\)](#) and are called grounds of inadmissibility.

In general, USCIS can only approve your Green Card application only if none of the grounds of inadmissibility apply to you.

If you are inadmissible, the law may allow you to apply for a waiver of inadmissibility or other form of relief in your situation. See [Form I-601, Application for Waiver of Grounds of Inadmissibility](#) and [Form I-212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal](#). If a waiver or other form of relief is granted, USCIS may approve your application for a Green Card if you are otherwise eligible.

Whether a waiver or other form of relief is available depends on the specific inadmissibility ground(s) that applies to you and the category you are adjusting under. Eligibility requirements for waivers and other forms of relief vary. For information on the grounds of inadmissibility and waivers, please see USCIS Policy Manual [Volume 8, Admissibility](#) and [Volume 9, Waivers](#).

How to Apply

If you are currently in the United States, an immigrant visa is immediately available to you as an EB-1, EB-2, or EB-3 immigrant, and you meet certain other requirements, you may file [Form I-485, Application to Register Permanent Residence or Adjust Status](#), to apply for a Green Card without leaving the country. This is called “adjustment of status.” If a visa is immediately available, you may file your Form I-485:

- Together (“[concurrently](#)”) with [Form I-140, Immigrant Petition for Alien Worker](#) filed on your behalf;
- While the Form I-140 is pending; or
- After the Form I-140 is approved (and remains valid).

For information on visa availability, see [Visa Availability and Priority Dates](#), [Adjustment of Status Filing Charts](#), and the Department of State website to view the [Visa Bulletin](#).



What to Submit (Principal Applicant)

As the named Form I-140 beneficiary, you are the applicant of the Form I-485 and supplements. As the applicant, you should submit the following documentation and evidence to apply for a Green Card as an employment-based immigrant who is already in the United States:

- [Form I-485, Application to Register Permanent Residence or Adjust Status](#);
- Copy of the Form I-797, Approval or Receipt Notice, for the Form I-140 filed on your behalf (unless you are filing your Form I-485 together with the Form I-140);
- [Form I-485 Supplement J](#) (unless you are filing your Form I-485 together with the Form I-140 or you are adjusting based on a National Interest Waiver without a job offer or as an alien of extraordinary ability), to confirm that the job offered to you in Form I-140 remains a valid job offer that you intend to accept once your Form I-485 is approved; and
- A signed statement confirming you intend to work in the occupational field specified in the Form I-140 if you are a self-petitioner.
- Two passport-style photographs;
- Copy of your government-issued identity document with photograph;
- Copy of your birth certificate;
- Copy of your passport page with nonimmigrant visa (if applicable);
- Copy of your passport page with admission or parole stamp (issued by a U.S. immigration officer) (if applicable);
- Copy of Form I-94, Arrival/Departure Record, or copy of the U.S. Customs and Border Protection (CBP) admission or parole stamp on the travel document (if applicable)

Note: If CBP provided you with an electronic Form I-94 upon your arrival/admission to the United States, you may print out a paper version of the Form I-94 from the [CBP website](#);

- Proof that you have continuously maintained a lawful status since arriving in the U.S. (or that you are exempt under INA 245(k));
- [Form I-864, Affidavit of Support Under Section 213A of the INA](#) (only if your Form I-140 petition was filed by a relative who is a U.S. citizen or lawful permanent resident, or by a for-profit entity if 5% or more of the ownership interest is held by a relative who is a U.S. citizen or a lawful permanent resident). See [Instructions for Form I-864](#) for more information.

Note: “Relative” means a U.S. citizen or lawful permanent resident who is your husband, wife, father, mother, son or daughter, or a U.S. citizen who is your brother or sister;

- [Form I-693, Report of Immigration Medical Examination and Vaccination Record](#) or partial Form I-693 (if applicable). If you are required to submit a Form I-693 or a partial Form I-693, you must submit it with your Form I-485. For more information, please see the Form I-693 Instructions;
- Certified police and court records of all criminal charges, arrests, or convictions regardless of final disposition (if applicable);

- [Form I-601, Application for Waiver of Grounds of Inadmissibility](#) (if applicable);
[Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal](#) (if applicable);
- Documentation of past or present J-1 or J-2 nonimmigrant status (if applicable), including proof of compliance with or a waiver of the 2-year foreign residence requirement under INA 212(e) (for more information, see [Form I-612, Application for Waiver of the Foreign Residence Requirement \(under Section 212\(e\) of the Immigration and Nationality Act, as Amended\)](#));
- If you currently hold A, G, or E nonimmigrant status, include [Form I-508, Request for Waiver of Rights, Privileges, Exemptions and Immunities](#); [Form I-566, Interagency Record of Request – A, G or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G or NATO Status](#) (only if you have A, G, or NATO nonimmigrant status); and
- [Form I-485 Supplement A, Adjustment of Status Under Section 245\(i\)](#) (if applicable).

Note: Certain forms, including Form I-485, have a filing fee. You must submit the correct filing fee for each form, unless you are exempt or eligible for a fee waiver. Please see USCIS' [Filing Fees](#) and [Fee Schedule](#) for more information.

For more information on applying for adjustment of status, see the [Instructions for Form I-485](#). Please also see our page on [Tips for Filing Forms with USCIS](#).

Family Members



If you are the spouse or unmarried child under 21 years of age of an employment-based principal applicant, you may apply for a Green Card as a derivative applicant. For more information on derivatives and eligibility for adjustment of status, please see [USCIS Policy Manual Volume 7, Part A, Chapter 6, Section C, Subsection C - Derivatives](#).

Eligibility Criteria for Adjustment of Status as Derivative Applicants

In order to be eligible for a Green Card as an employment-based derivative applicant, you must meet the following requirements:

- You properly file your Form I-485:
 - Together with the principal applicant's Form I-485 (and the principal applicant's Form I-485 is ultimately approved);
 - While the principal applicant's Form I-485 is still pending with USCIS (and the principal applicant's Form I-485 ultimately approved);
 - After USCIS approves the principal applicant's Form I-485 as long as:
 - The principal applicant is still a lawful permanent resident, and

- You were the principal applicant's spouse or child at the time USCIS approved the principal applicant's Form I-485; or
- After the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident, as long as:
 - The principal applicant is still a lawful permanent resident, and
 - You were the principal applicant's spouse or child at the time the principal applicant was admitted into the United States.
- You are currently the principal applicant's spouse or child;
- You were inspected and admitted or inspected and paroled into the United States;
- You are physically present in the United States at the time you file your Form I-485;
- An immigrant visa is immediately available to you at the time you file your Form I-485 and at the time USCIS makes a final decision on your application. (For information on visa availability, see [Visa Availability and Priority Dates](#), [Adjustment of Status Filing Charts](#), and the Department of State website to view the [Visa Bulletin](#).)
- None of the applicable bars to adjustment of status apply to you;
- You are admissible to the United States for lawful permanent residence or eligible for a waiver of inadmissibility or other form of relief; and
- You merit the favorable exercise of [USCIS' discretion](#).

What to Submit (Derivative Applicants)

If you are a derivative applicant (a spouse or child), you should submit the following evidence to apply for a Green Card under an employment-based immigrant category:

- [Form I-485, Application to Register Permanent Residence or Adjust Status](#);
- Copy of documentation showing your relationship to the principal applicant, such as a marriage certificate, birth certificate, or adoption decree;
- Copy of the Form I-797, Approval or Receipt Notice, for the principal applicant's Form I-140 (unless you are filing your Form I-485 together with the principal applicant's Form I-485);
- Copy of the Form I-797, Approval or Receipt Notice, for the principal applicant's Form I-485 or a copy of the principal applicant's Green Card (if not filing together with the principal applicant's Form I-485);
- Two passport-style photographs;
- Copy of your government-issued identity document with photograph;
- Copy of your birth certificate;
- Copy of your passport page with nonimmigrant visa (if applicable);
- Copy of your passport page with admission or parole stamp (issued by a U.S. immigration officer) (if applicable);
- Copy of Form I-94, Arrival/Departure Record or copy of the U.S. Customs and Border Protection (CBP) admission or parole stamp on the travel document (if applicable)

Note: If CBP provided you with an electronic Form I-94 upon your arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at www.cbp.gov/I94;

- Proof that you have continuously maintained a lawful status since arrival in the U.S. (or that you are exempt under INA 245(k));
- Copy of [Form I-864, Affidavit of Support Under Section 213A of the INA](#) (only if the principal applicant's Form I-140 petition was filed by a relative who is a U.S. citizen or lawful permanent resident, or by a for-profit entity if 5% or more of the ownership interest is held by a relative who is a U.S. citizen or a lawful permanent resident). See [Instructions for Form I-864](#) for more information.

Note: "Relative" means a U.S. citizen or lawful permanent resident who is your husband, wife, father, mother, son or daughter, or a U.S. citizen who is your brother or sister;

- [Form I-693, Report of Immigration Medical Examination and Vaccination Record](#) or partial Form I-693 (if applicable). If you are required to submit a Form I-693 or a partial Form I-693, you must submit it with your Form I-485. Otherwise, your Form I-485 may be rejected. For more information, please see the Form I-693 Instructions);
- Certified police and court records of criminal charges, arrests, or convictions (if applicable);
- [Form I-601, Application for Waiver of Grounds of Inadmissibility](#) (if applicable);
- [Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal](#) (if applicable);
- Documentation of past or present J-1 or J-2 nonimmigrant status (if applicable), including proof of compliance with or a waiver of the 2-year foreign residence requirement under INA 212(e) (for more information, see [Form I-612, Application for Waiver of the Foreign Residence Requirement \(under Section 212\(e\) of the Immigration and Nationality Act, as Amended\)](#));
- If you currently hold A, G, or E nonimmigrant status, include [Form I-508, Request for Waiver of Rights, Privileges, Exemptions and Immunities](#); [Form I-566, Interagency Record of Request – A, G or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G or NATO Status](#) (only if you have A, G, or NATO nonimmigrant status); and
- [Form I-485 Supplement A, Adjustment of Status Under Section 245\(i\)](#) (if applicable).

Note: Certain forms, including Form I-485, have a filing fee. You must submit the correct filing fee for each form, unless you are exempt or eligible for a fee waiver. Please see USCIS' [Filing Fees](#) and [Fee Schedule](#) for more information.

Employment Authorization and Advance Parole Documents



Generally, when you have a pending Form I-485, you may apply for employment authorization by filing [Form I-765, Application for Employment Authorization](#).

You may also apply for an advance parole document by filing a [Form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records](#). An advance parole document authorizes you to appear at a port-of entry to seek [parole](#) into the United States after temporary travel abroad. If you need to leave the United State temporarily while your Form I-485 is pending, please see the [Instructions for Application for Travel Document](#) for more information. Generally, if you have a pending Form I-485 and you leave the United States without an advance parole document, you will have abandoned your application.

For further information, see our [Employment Authorization](#) and [Travel Documents](#) pages.

Transfer of Underlying Basis

You may be eligible, using the new mailing address below, to request to transfer the underlying basis of your [Form I-485, Application to Register Permanent Residence or Adjust Status](#), to a different employment-based immigrant category based on another [Form I-140, Immigrant Petition for Alien Workers](#).

USCIS may, in its discretion, grant a transfer request if the following criteria are met:

- You have continuously maintained eligibility for adjustment of status;
- Your adjustment of status application based on the original Form I-140 is still pending;
- You are eligible for the new immigrant category; and
- You have a visa immediately available in the new immigrant category.

You must request in writing that USCIS transfer the underlying basis of your pending Form I-485 to another immigrant category.

In certain instances, you should also submit a completed [I-485 Supplement J, Confirmation of Valid Job Offer or Request for Job Portability Under INA Section 204\(j\)](#) with your transfer request. The purpose of the Supplement J is to confirm the validity of the job offered to you in the immigrant petition you want to use as the basis for your transfer request.

- If you are requesting to transfer your underlying basis to a previously filed and approved Form I-140, you should submit Supplement J with your transfer request.
- If you are requesting to transfer your underlying basis to a Form I-140 that remains pending, you do not need to submit Supplement J.
- If a new Form I-140 is being filed on your behalf and you are eligible to concurrently file, you may request to transfer the underlying basis of your pending Form I-485 to this new petition. The petition must be submitted with a signed letter requesting that your pending Form I-485 be transferred to the new petition. It should include a coversheet (preferably highlighted with colored paper) stating “REQUEST FOR TRANSFER OF PENDING FORM I-485 [receipt number] TO ENCLOSED PETITION.” You should include a copy of the Form I-485 receipt notice as well as evidence of eligibility in the new immigrant category. You do not need to submit Supplement J.

USCIS does not provide a written response to transfer requests. However, USCIS will issue receipt notices for the Supplement J.

The written request to transfer the underlying basis should at a minimum contain sufficient information for USCIS to identify the pending Form I-485 and the immigrant petition which you would like to use as the new basis for your application (for example, receipt number or A-Number).

Locations for Submission of Transfer Request

- **USCIS has created a centralized location for receipt of transfer requests between the employment-based preference categories that are accompanied by a Supplement J.**

You may submit your written request and completed Supplement J to:

U.S. Postal Service (USPS):

USCIS
Attn: Supp J
PO Box 660834
Dallas, TX 75266-0834

FedEx, UPS, and DHL deliveries:

USCIS
Attn: Supp J (Box 660834)
2501 S. State Hwy. 121 Business
Suite 400
Lewisville, TX 75067-8003

Only transfer requests accompanied by a Supplement J should be sent to the above address, and applicants should send no other forms, documents, or evidence to this address.

- **Employment-based transfer requests that are not accompanied by a Supplement J should be submitted in writing to the USCIS office with jurisdiction over your pending I-485 application.** Applicants may determine the USCIS office with jurisdiction over their application by referring to any receipt or transfer notices they have received, or by reaching out to the USCIS Contact Center at 800-375-5283.
- **Transfer requests accompanying a newly filed Form I-140 should not be sent to the address above or to the USCIS office with jurisdiction over your application, but instead should be sent to the normal filing location for the Form I-140.** Please check the [Direct Filing Addresses for Form I-140](#) page on our website.

If you have already submitted a transfer request to a USCIS office, you should not submit a new request. All requests to transfer the underlying basis already received or that will be received at a USCIS office will be processed as usual by the USCIS office with jurisdiction over your pending Form I-485.

You do not have to submit a new adjustment of status application or filing fee with a request to transfer the underlying basis of your Form I-485 from one petition to another. Submitting a new adjustment of status application is not required to transfer the underlying basis of a pending Form I-485 and will not result in faster adjudication of the benefit request. For more information on transferring the underlying basis of your Form I-485, see the [USCIS Policy Manual](#).

Legal Reference



For more information, see the following:

- [INA 203\(b\)\(1\)-\(3\)](#) – Preference Allocation for Employment-Based Immigrants
- [INA 212\(a\)](#) – Classes of Aliens Ineligible for Visas or Admission
- [INA 245](#) – Adjustment of Status of Nonimmigrant to that of a Person Admitted for Permanent Residence
- [8 CFR 245](#) - Adjustment of Status to that of a Person Admitted for Permanent Residence
- [USCIS Policy Manual, Volume 7, Part A, Adjustment of Status Policies and Procedures](#)
- [USCIS Policy Manual, Volume 7, Part B, 245\(a\) Adjustment](#)
- [USCIS Policy Manual Volume 8, Admissibility](#)
- [USCIS Policy Manual Volume 9, Waivers](#)

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