

Immigration



Employment-Based Immigration Doubles Come October 1st

By David H. Nachman, Esq

October 1st, 2021, will mark the new government fiscal year. Therefore, this year will be great for immigrant professionals seeking employment-based visas. The number of visas will double from 140,000 persons annually to 290,000 in the following fiscal year. This is due to the backlog of applications by relatives of green card holders or US citizens because US embassies were closed due to the COVID-19 pandemic. Here's an update of this change from the NPZ Law Group:

Who Benefits from Doubling Employment-Based Immigration:

Thousands of health care professionals and computer programmers waiting for green cards are sponsored by US employers every year. Due to the pandemic, US hospitals are dealing with a significant shortage of nurses, doctors, and other healthcare professionals. This explanation will help elucidate that. The EB-3 employment-based immigration category for most immigrant professionals acquiring green cards is "current." Thus, the waiting period is as long as the time the government takes to process the paperwork for the professional. For registered nurses (RNs), the process begins when a US employer files a Form I-140 visa petition with the USCIS. The employer can use premium processing to approve the visa petition in weeks instead of months. The USCIS then forwards the approved petition to the National Visa Center (NVC) in New England. The nurse must provide

various pieces of information to the NVC. The NVC then coordinates with the US Consulate/Embassy in the RN's home country to schedule the nurse, his/her spouse, and children, for green card interviews. The nurse and his/her family can seek admission to the US after the green card applications are approved.

The PERM Application:

IN MEMORIAM



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The US Department of Labor (DOL) designates registered nurses as a shortage profession.

Therefore, the employer need not prove that there are no able, willing and qualified US workers for the position. However, the employer must do so for most other jobs, which is called the PERM Labor Certification process. The PERM process (labor certification) ensures that the admission of immigrant workers to work in the US will not adversely affect US workers' job opportunities, working conditions, and wages. The DOL will only approve the PERM application after a US employer demonstrates that these are no qualified US workers who have applied for the position and that the employer pays the prevailing wage. Typically, this process can take 7 to 10 months. The employer must submit an I-140 visa petition to the USCIS after approval of the PERM application.

What This Means for US Employers:

Most immigrant professionals sponsored for green cards by US employers have temporary work visas and work in the US currently. They can then bypass the NVC and the US Embassy, allowing them to apply for adjustment of status to acquire

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their green cards without leaving the US. However, RNs must give interviews at US Consulates/Embassies in their home countries because there are no temporary work visas for acquiring green cards for that position. If you should have questions or need any additional information about US or Canadian Immigration and Nationality Laws, please feel free to contact the immigration and nationality lawyers at the NPZ Law Group. If you have more questions on how these laws may impact you or your family, contact the lawyers specialized in US Immigration and Nationality laws at our law firm. You can send us an email at info@visaserve.com or you can call us at 201-670-0006 (x104). In addition to that, we invite you to find more information on our website at www.visaserve.com

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