

## United States – EB-2 Visa Application Package (Green Card for Advance Ability Professional) Procedures and Fees

EB-2 application for persons of “exceptional ability” and advance-degree professionals receive 40,000 quotas of the yearly worldwide limit of employment-based immigrant visas, plus any unused visas from the Employment First Preference categories. This category is the second preference of the employment-based immigrant visa.

To apply for a green card through EB-2 application, the prospective employer must obtain a Prevailing Wage Determination (PWD) to apply for Program Electronic Review Management (PERM). The beneficiary must have an approved Immigrant Petition for Alien Worker, Form I-140, filed by the qualified prospective employer and must have a valid job offer provided by the qualified prospective employer unless it is in the National Interest Waiver (NIW). In the case of NIW, labour certification is not a requirement to sponsor the beneficiary. After that the applicant will be requested to attend an interview conducted by consular at U.S. Embassy.

The total processing time is approximately 24-28 months.

Family members of the EB-2 immigrant are entitled to admission in the same immigrant category (Green Card). Included in this category is the spouse of the visa holder, as well as minor unmarried children under the age of 21. The spouse is also eligible to file for an Employment Authorization Document (EAD).

### 1. USA EB-2 Immigrant Visa Application Package Fees

Our fees for handling an EB-2 visa application to enable the foreigner to work in the United States and later adjust his/her status is USD16,200. An additional USD2,500 and USD1,500 will be charged for each adult and child dependent visa, respectively. The fees are broken down in 3 stages below:

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<b>EB-2 STAGES</b>	<b>Service, Administration, Legal + [Excluded Filing and Other Fees]</b>
1) PERM Labor Certificate (at employer's cost)	- USD8,800 (Upfront) - USD200 expenses (Upfront) + [Recruitment advertising costs (TBD). Note: monster.com for one-off hiring: USD249/month (as of Dec. 2021)]  <i>Where applicable:</i> - USD1,500 fee for standard audit (recruitment related only); or - USD2,500 for complex audit (more than recruitment)
<b>STAGE-1 FEE TOTAL: USD9,000</b>	
2) Immigrant Petition (Green Card) I-140	- USD4,300 - USD200 expenses + USD700 USCIS filing fee  <i>Optional: USD2,500 USCIS expedited processing fee</i>
<b>STAGE-2 FEE TOTAL: USD4,500</b>	
3) Adjustment of Status (AOS) I-485	- USD2,500/adult - USD1,500/child - USD200 expenses  <i>Apply from within U.S.:</i> + Filing fee of USD1,225 per person (e.g., spouse/children)  <i>Apply from abroad:</i> + Filing fee USD345+USD220 green card fee per person (e.g., spouse/child)
<b>STAGE-3 FEE TOTAL (1 adult): USD2,700</b>	
<b>TOTAL PACKAGE PRICE= USD16,200</b>	

In particular, our fees cover the following services:

- (1) Continuous advice regarding the application for EB-2 visa in the United States;
- (2) Assistance with gathering and preparation of the required documents;
- (3) Review of application documents prepared by applicant(s) and employing company;
- (4) Drafting of authorization letter(s) and application form(s);
- (5) Assistance with obtaining the Prevailing Wage Determination (PWD);
- (6) Filing of PERM application;
- (7) Assistance with recruitment exercise and preparation of related documents;
- (8) Respond to audits, if any (supplementary legal fees apply);
- (9) Legal representation for the purpose of the EB-2 visa application;
- (10) Submission of immigration petition package to the USCIS and relevant U.S. government agencies;
- (11) Liaison with the USCIS and U.S. government agencies regarding the application;
- (12) Respond to Request For Evidence (RFE) from the USCIS, if any (supplementary legal fees may apply, depending on complexity);
- (13) Regular reporting of application status to the client;
- (14) Interview preparation of client at the U.S. Embassy or Consulate (supplementary legal fees may apply);
- (15) Visa Application Processing at the U.S. Embassy (where applicable) after approval.

**Note:**

- (1) The fees quoted above exclude the government fees, which are subject to change without prior notice.
- (2) Premium processing service is available for an extra fee of USD2,500 (15 calendar days processing time on USCIS' end).
- (3) In the event of a request for additional evidence (RFE) from the USCIS, an administration fee of USD1,000 plus legal fees will apply for the preparation of a RFE response. Legal fees will vary depending on the complexity of the RFE.
- (4) The fees stated are exclusive of delivery charges and notarization fees, if any.
- (5) The fees stated exclude documents translation fees. Please contact us for a quotation if you wish to employ us for the translation of documents.
- (6) Medical examination and mandatory vaccinations fees are excluded.

**2. Payment Term and Method**

Upon receipt of confirmation of engagement, we will issue an invoice and email it together with detailed wire instructions to you. Due to the nature of services, we require full payment of the Stage-1 Fee in advance. Upon issuance of the PERM Labor Certificate, the Stage-2 and Stage-3 Fees become payable. At each stage, once service is commenced, no service fees will be refunded.

We currently only accept check, cash or TT and credit card payment through PayPal. If the invoice is settled by PayPal, an extra 5% service fee will be charged. If Taiwan uniform invoice is required, a Business Tax at 5% of the invoiced amount will be charged and collected.

**3. Eligibility Criteria**

Prospective U.S. employer

- (1) Obtain a Prevailing Wage Determination (PWD);
- (2) Apply for Program Electronic Review Management (PERM);
- (3) Proof of its ability to pay the foreign worker's salary and that the foreign worker qualifies for the intended position.

Visa Beneficiary

- (1) There are 3 sub-categories within this category and the beneficiary must be eligible under one of the following groups:

<b>Sub-categories</b>	<b>Description</b>
Advanced Degree	<ul style="list-style-type: none"> <li>• The offered job to apply for must require an advanced degree or its foreign equivalent, <b>OR</b></li> <li>• A bachelor's degree + at least 5 years of progressive experience in the specialty, <b>AND</b></li> <li>• Beneficiary must meet any other requirements specified on the labor certification as applicable.</li> </ul>
Exceptional Ability	<ul style="list-style-type: none"> <li>• Beneficiary must be able to show exceptional ability in the sciences, arts, or business.</li> <li>• Beneficiary must meet any requirements specified on the labor certification as applicable.</li> <li>• Beneficiary must meet at least 3 of the following criteria:                             <ol style="list-style-type: none"> <li>(1) Holding a degree, diploma, certificate, or similar award from a college, university, school, or other institution of</li> </ol> </li> </ul>

	<p>learning relating to exceptional ability</p> <p>(2) At least 10 years of full-time experience in the occupation</p> <p>(3) A license to practice the profession or certification for the profession or occupation</p> <p>(4) Having commanded a salary or other remuneration for services that demonstrates the exceptional ability</p> <p>(5) Hold membership in a professional association(s)</p> <p>(6) Recognition for the achievements and significant contributions to the industry or field by beneficiary(s)' peers, government entities, professional or business organizations</p> <p>(7) Other comparable evidence of eligibility is also acceptable.</p>
National Interest Waiver (NIW)	<ul style="list-style-type: none"> <li>• Though the jobs that qualify for a national interest waiver are not defined by statute, NIW is usually granted to those who have exceptional ability and whose employment in the United States would greatly benefit the nation.</li> <li>• Those seeking a national interest waiver may <b>self-petition</b> without the need for a sponsoring employer and may file their labor certification directly with USCIS along with their Form I-140, Petition for Alien Worker.</li> </ul>

- (2) The beneficiary must hold a labor certification and a job offer unless it is waived under the NIW (16:19).

**The above-mentioned eligibility criteria may be subject to change from time to time by the USCIS without prior notice. Please contact with Kaizen’s immigration consultants for more information.**

#### 4. Application Procedures and Timeline

The EB-2 visa application is comprised of 3 stages, as follows.

##### Stage 1: PERM Labour Certification

The first step is to obtain the PWD<sup>1</sup> from the National Prevailing Wage Centre (NPWC), which takes approximately 5 months before the filing of the PERM<sup>2</sup>. To be considered for an immigrant visa under the EB-2 category, the prospective employer or agent must then obtain a labour certification approval from the Department of Labour. **The employer is responsible for all costs relating to the PERM.**

As the PERM takes another 5-7 months to process, **Stage-1 takes approximately 1 year in total.**

<sup>1</sup> To demonstrate that the alien worker will not be displacing a U.S. worker in the job offered, etc., the employer will need to test the labor market by conducting a bona fide recruitment for the position offered.

<sup>2</sup> The labour certification is a prerequisite to obtaining permanent residence through an employer. Certifications are issued under an expedited system entitled “Program Electronic Review Management,” or “PERM”.

### Stage 2: Filing an Immigrant Petition

Once the PERM is certified, the prospective employer then files an Immigrant Petition (known as the “green card” application). This step takes between **8-10 months** to process via regular processing. Premium processing can be elected at the extra fee of USD2,500 paid to the USCIS, reducing the adjudication time to **15 business days**.

### Stage 3: Consular Processing

After USCIS approves the petition, it is sent to the National Visa Centre (NVC). Once the visa bulletin is “current” for the foreign worker’s “priority date”, then the NVC will contact the foreign worker to schedule an immigrant green card interview, if consular processing was chosen. This typically takes **3 to 5 months (but highly dependent on policy changes)** after Stage 2 is approved.

Upon successful interview, the foreign worker will receive the I-551 Immigrant Visa stamp. It will normally be valid for 10 years and is renewable.

The entire EB-2 application process takes **between 24 to 28 months** (subject to change without prior notice by the USCIS). The table below summarizes the estimated time frame for each of the steps:

Step	Procedure	Responsible Party	Working Days (estimated)
1	Pre-screening by our immigration consultant, and consultation with designated U.S. lawyer as necessary.	Client, Kaizen, Attorney	Client’s Schedule
2	Engagement and signature of retainer’s agreement and payment of retainer fee.	Client	Client’s Schedule
3	Completion of questionnaire and preparation of documents as per checklist.	Client	Client’s Schedule
4	<b>Stage 1:</b> Obtain the Prevailing Wage Determination	Prospective employer & Attorney	5-6 months
5	Recruitment activities	Prospective employer	Prospective employer’s Schedule
6	Filing for and obtaining the PERM (labor certificate)	Prospective employer & Attorney	5-7 months <sup>(1)</sup>
7	Upon receipt of aforesaid documents, Kaizen prepares the immigration filing package.	Kaizen	14 Days
8	Signature of immigration forms and supporting letters and return to Kaizen.	Client	Client’s Schedule
9	Submission of petition package to the USCIS.	Kaizen	3-5 Day
10	<b>Stage 2:</b> File Immigrant Petition (Form I-140)	Prospective employer & USCIS	<b>Regular processing:</b> 8-10 months <b>Premium processing:</b> 15 business days
11	If the case is approved, it will be forwarded to National Visa Centre and Kaizen will prepare the visa application and schedule an interview appointment. If USCIS requests further evidence, the client gathers the requested documents, and the attorney prepares the RFE response.	Client, Kaizen, Attorney	15-30 Days

12	Prepare client for visa interview.	Client, Kaizen, Attorney	1 Day
13	<b>Stage 3:</b> Consular Processing	Applicant, NVC, U.S. Consular, USCIS	3-5 months
14	Obtain the I-551 Immigrant Visa stamp and travel to U.S. to assume position.	Client	Client's Schedule
<b>Total Working Days</b>			<b>25-29 Months <sup>(2)</sup></b>

**Note:**

- (1) Please note that the estimated timeline does not consider a PERM audit. Any case may be subject to a random audit, which could increase the processing time by a few months. If there are little tailor-made requirements, or the file requires no foreign language, the likelihood of an audit is lower.
- (2) The estimated time is based on high cooperation between the client and Kaizen and does not include delays caused by the relevant government agencies.

## 5. Required Documentation and Information

### Documents Prepared by the Employer

- (1) Most recent corporate federal tax return (including all schedules)
- (2) Articles of Incorporation
- (3) IRS letter confirming FEIN (147C Letter)
- (4) Copy of worker's most recent W-2 with same employer (if currently employed there)
- (5) Worker's updated one page resume (with exact dates of past employment)

### Documents Prepared by the Applicant

- (1) Passport(s) valid for six months beyond the intended date of entry into the United States
- (2) Two (2) 2x2 photographs
- (3) Civil Documents for the applicant (e.g., birth and marriage certificates) [\*Note (1)]
- (4) Financial Support
- (5) Labour certification (if applicable)
- (6) Updated one-page resume (with exact dates of past employment)
- (7) Supporting documentation that the beneficiary meets the job requirements
- (8) Supporting documentation regarding applicant's ability to pay
- (9) Completed Medical Examination Forms
- (10) Marriage termination documentation of EACH prior marriage, e.g., final divorce decree, death certificate, annulment papers, etc. (if applicable)
- (11) Court and Prison Records (if applicable)
- (12) Deportation documentation if you have been previously deported or removed from the U.S. at government expense (if applicable)
- (13) Military Records (if applicable) ([check here](#))
- (14) Financial Support to show that you will not become a public charge in the U.S.
- (15) Police Certificate obtained from the local police authority
- (16) For Advanced Degree:
  - (a) An official academic record of U.S. advanced degree or a foreign equivalent degree, **OR**
  - (b) An official academic record of holding a U.S. baccalaureate degree or a foreign equivalent degree + letters from current or former employers showing that the

beneficiary(s) has at least 5 years of progressive post-baccalaureate work experience in the specialty

- (c) If a doctoral degree is customarily required, you must have a United States doctorate or foreign equivalent degree

(17) For Exceptional Ability

- (a) Official academic record showing that beneficiary(s) have a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability
- (b) Letters documenting at least 10 years of full-time experience in beneficiary(s)' occupation from current or former employers
- (c) A license to practice the profession or certification for particular profession or occupation
- (d) Evidence that beneficiary(s)' has commanded a salary or other remuneration for services that demonstrates exceptional ability
- (e) Evidence of Membership in a professional association(s)
- (f) Evidence of recognition for achievements and significant contributions to industry or field by peers, government entities, professional or business associations
- (g) Other comparable evidence of eligibility is also acceptable

(18) For National Interest Waiver (NIW)

- (a) Evidence of an advanced degree or exceptional ability
- (b) The proposed endeavor has both substantial merit and national importance
- (c) Evidence of beneficiary is well-positioned to advance the proposed endeavor
- (d) Supporting document of being beneficial if the United States waive the requirements of a job offer and thus the labor certification

Documents prepared by the Dependent(s)

- (1) Passport Biological Page
- (2) Documents to Establish Relationship with the Beneficiary (Notarial Birth Certificate and Marriage Certificate)
- (3) Police Certificates (for each applicant aged 16 or older)
- (4) Adoption Documentation (if applicable)

**Notes:**

- (1) All required documents must be in English or accompanied by a certified translation into English.
- (2) Legible photocopies and the original civil documents, and any required translations are required at the time of the immigrant visa interview.
- (3) USCIS reserves the right to demand further documents from the applicant or employing company as and when necessary.

*If you need any assistance or wish to obtain more information, please browse our official website at [www.kaizenvis.com](http://www.kaizenvis.com) or contact us through the following means:*

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