

## **General Immigrant Visa Categories**

Persons immigrating to the United States are divided by U.S. immigration law into two general categories:

For additional information, [please click here](#).

### **1. Those who may obtain legal permanent resident status without annual numerical limitation.**

- A. Immediate Relatives of U.S. Citizens (IR1/IR2/IR5):** The spouse and unmarried minor or adopted children of a U.S. citizen, and the parents of a U.S. citizen. The U.S. citizen relative must file an I-130 petition on behalf of each applicant with the nearest U.S. Bureau of Citizenship and Immigration Services (USCIS) in the U.S. In some cases, if the petitioner is residing abroad, he/she may file the petition at the nearest U.S. Embassy or Consulate. **(IH3/IH4):** Minor adopted children of a U.S. citizen. The U.S. citizen relative must file an I-800A/I-800 petition on behalf of each applicant with the National Benefits Center (NBC) in the U.S.
- B. Returning Residents (SB):** Immigrants who lived in the United States previously as lawful permanent residents and are returning to live in the United States after a temporary visit of more than one year abroad. Persons who believe they are entitled to immigrant status under this category may petition on their own behalf (Form DS-117) with the nearest U.S. Embassy or Consulate.
- C. Widow/Widower of a U.S. Citizen (IW):** Widow/widower and minor children of a deceased U.S. citizen to whom the widow/widower was married for at least two years. The U.S. citizen's death must have happened within the last two years. Persons who believe they are entitled to immigrant status under this category may petition on their own behalf (Form I-360) with the nearest USCIS office in the U.S. or at the nearest U.S. Embassy or Consulate.

### **2. Those who are restricted by annual limitation on the number of persons who may enter as permanent residents.**

There is an annual numerical limitation for each category of immigrant visa described below. There are limits on various sub-preferences, as well as limits on the number of immigrant visas per year, which can be issued to natives of any single country. Some of these numerical limits are based on formulas, which change in relationship to each other, so that it is not possible to state a specific figure for each sub-category.

Whenever there are more qualified applicants for a category than there are available numbers, the category will be considered oversubscribed, and immigrant visas will be issued in the chronological order in which the petitions were filed until the numerical limit for the category is reached. The filing date of a petition becomes the applicant's priority date is reached. In certain heavily oversubscribed categories, there may be a waiting period of several years before a priority date is reached.

**A. *Family-based Immigrants:*** The U.S. citizen or Legal Permanent Resident (LPR) relative must file an I-130 petition on behalf of the applicant with the nearest USCIS office in the U.S. or at the nearest U.S. Embassy or Consulate.

A1: *First Preference* (F1): Unmarried sons and daughters of U.S. citizens and their children.

A2: *Second Preference* (F2A/F2B): Spouses, minor children, and unmarried adult children of lawful permanent resident aliens.

A3: *Third Preference* (F3): Married adult children of U.S. citizens and their spouses and unmarried minor children.

A4: *Fourth Preference* (F4): Brothers and sisters of U.S. citizens and their spouses and unmarried minor children.

**B. *Employment-based Immigrants:*** A certain number of immigrant visas are available yearly for this category which is divided into five preference groups. Applicants for employment-based immigrant visas require an approved I-140 petition from USCIS in the U.S. Priority workers may petition on their own behalf with USCIS while others must have their prospective employers file the petitions. Prior to filing a petition, applicants for employment-based petitions as members of the professions, professionals, skilled and unskilled workers, must obtain certifications from the Department of Labor that there are no qualified workers available for the proposed employment in the U.S.

For additional information, [please click here](#).

B1: *Priority Workers* (E1): Persons of extraordinary ability in the sciences, arts, education, business or athletics; outstanding professors and researchers; and certain multinational executives and managers.

B2: *Members of the Professions* (E2): Professionals holding advanced degrees, and persons of exceptional ability in the sciences, arts, and business.

B3: *Professionals, Skilled and Unskilled Workers* (E3/EW): Professionals holding baccalaureate degrees, skilled workers with at least two years experience, and other workers whose skills are in shortage in the U.S. Unskilled workers are a subcategory of this visa class.

B4: *Special Immigrants* (E4): Certain religious workers and ministers of religion and certain international organization employees of the U.S. government. Most Special Immigrants must have Form I-360 filed on their behalf.

B5: *Investors*: Persons who create employment for at least ten unrelated persons by investing capital in a new commercial enterprise in the U.S. The minimum amount of capital required is between US\$ 500,000.00 and US\$ 1,000,000.00, depending on the employment rate in the geographic area. An investor must file Form I-526 with nearest USCIS office in the U.S.

- (i) General Job Creation (C5): People investing at least \$1,000,000.00 to create a new business which will employ at least ten U.S. Citizens or LPRs. Such investment could occur anywhere in the U.S. outside a targeted area.
- (ii) Targeted Job Creation (T5): People investing at least \$500,000.00 to create a new business which will employ at least ten U.S. Citizens or LPRs in a targeted employment area. Targeted employment areas are defined as rural areas or areas with high unemployment rates (at least 150% of the national average rate). The U.S. Census and Department of Labor statistics are used to determine whether a particular locale meets the definition of a targeted employment area.

**C. Diversity immigrants (DV):** 55,000 immigrant visas are available annually to natives of foreign states which the U.S. Attorney General has determined to have a previous low ratio of immigrants admitted under the other sections of the immigration law. Such immigrants will be identified by random selection each year by the Secretary of State from among persons who submit applications online during a specified period. Applicants for diversity immigrant status must have a high school education or two years of recent work experience in a skilled job.

Provisions for submitting applications will be announced by the Department of State in advance of each year's application period. Only during such period may applications be filed. Aliens who qualify through random selection must apply for and receive their visas within one year of selection.

### 3. Nonimmigrant visas (intending immigrants)

**A. Nonimmigrant visa for spouse (K-3):** Non-immigrant visas for spouse of a U.S. citizen. It is important to note that application for the nonimmigrant visa for spouse (K-3) who married a U.S. citizen must be processed and the visa must be issued in the country where the marriage took place. After the visa process has been completed, and the visa is issued, the spouse can travel to the United States to wait for the processing of the immigrant visa case. The U.S. citizen relative must file two petitions on behalf of the applicant with the nearest U.S. Bureau of Citizenship and Immigration Services (USCIS) in the U.S.: Petition for Alien Relative, Form I-130; and Petition for Alien Fiancé (e), Form I-129F.

For additional information, [please click here.](#)

**B. Fiancé(e) of U.S. Citizen (K1/K2):** Fiancé(e) of U.S. citizens who may travel to the United States to marry; and live there. The U.S. citizen relative must file an I-129F petition on behalf of the applicant with the nearest U.S. Bureau of Citizenship and Immigration Services (USCIS) in the U.S.

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