Employment based immigrant visas are one of the most common ways to get U.S. permanent residency through work. The two categories that come up constantly in practice are EB-2 and EB-3. They look similar on the surface, but they work differently in a few places that really matter: eligibility standards, recruitment requirements, backlogs by country, and one option that exists in EB-2 that simply does not exist in EB-3.

What EB-2 and EB-3 are

EB-2 and EB-3 are employment based immigrant visa categories that can result in a green card. In most cases, both require a U.S. employer sponsor and a showing that there are no qualified, willing, and available U.S. workers for the offered position at the required wage and in the relevant labor market.

Lawful permanent residency has major benefits, including:

- The ability to live and work in the U.S. indefinitely
- Easier international travel in and out of the U.S. compared to many nonimmigrant statuses
- The ability to sponsor certain family members for immigration
- A path to U.S. citizenship (once eligibility requirements are met)
- Access to study opportunities in the U.S. with fewer restrictions than many temporary visas

EB-2 is the second preference employment based category, while EB-3 is the third preference category. They sit behind EB-1 (priority workers). Other employment based green card categories exist too, such as EB-4 (certain special immigrants) and EB-5 (investors). Family based green cards are also a separate route entirely.

Quick allocation and why backlogs happen

EB-2 and EB-3 each receive about 28.6% of the annual worldwide employment based green card numbers, roughly 40,000 each per year, plus any spillover numbers as described below.

There is also a per country cap. No more than 7% of the visas in a category can be issued to people born in any single country in a given year. Once demand exceeds that cap, a backlog forms, and priority dates become the gatekeeper.

Spillover mechanics matter:

- EB-2 can receive unused visa numbers from EB-1 if EB-1 demand does not use all numbers.
- EB-3 can receive unused visa numbers after EB-1 and EB-2 demand is satisfied.

So even though EB-2 and EB-3 have similar base allocations, real world availability changes depending on demand patterns and visa bulletin movement.

Core similarities between EB-2 and EB-3

Despite all the talk about differences, the backbone is similar.

1) Employer sponsorship is the norm

Most EB-2 and EB-3 cases are employer sponsored. The employer offers a permanent, full time job in the U.S. and leads the process.

2) PERM Labor Certification is usually required

Most EB-2 and EB-3 cases require PERM Labor Certification through the U.S. Department of Labor. PERM is the recruitment and wage compliance process used to test the labor market.

The major exception is EB-2 National Interest Waiver, discussed below.

3) The immigration filing path is basically the same

After PERM (if required), the employer typically files:

- Form I-140 (Immigrant Petition for Alien Worker)

Then, once the priority date is current under the State Department Visa Bulletin, the applicant proceeds through either:

- Adjustment of status (Form I-485) if eligible to file in the U.S., or
- Immigrant visa processing through a U.S. consulate abroad

The key differences: EB-2 vs EB-3

1) Eligibility standards and who qualifies

EB-2 generally fits one of these buckets:

- **Advanced degree professionals** (typically a U.S. master's degree or higher, or a foreign equivalent, or a bachelor's degree plus progressive experience that meets the advanced degree equivalent standard for the position), or
- **Exceptional ability** in the sciences, arts, or business (a higher bar than normal professional competence), or
- **National Interest Waiver (NIW)** cases, where the work is argued to benefit the U.S. enough that the job offer and PERM requirements can be waived

EB-3 is broader and typically covers:

- **Professionals** (positions that require at least a U.S. bachelor's degree or foreign equivalent)
- **Skilled workers** (positions requiring at least 2 years of training or experience)
- **Other workers (often called unskilled workers)** (positions requiring less than 2 years of training or experience)

That last EB-3 subcategory is important. EB-2 does not have an "unskilled" pathway.

2) Preference level and practical consequences

EB-2 is a higher preference category than EB-3. That sounds abstract until looking at backlogs.

In many countries, EB-2 tends to have a shorter backlog, and in some periods may even be current while EB-3 is not. EB-3 often faces higher demand because of its broader eligibility range, which can translate into longer waits.

That said, country of birth can flip the usual assumptions. India and China, in particular, often experience significant backlogs in both categories, sometimes with shifting advantage depending on the month and the specific chart being used.

3) National Interest Waiver: EB-2 has it, EB-3 does not

The EB-2 National Interest Waiver is one of the most meaningful differences between the categories.

If an NIW is approvable, it can remove two major obstacles:

- No employer sponsor required for the petitioning step
- No PERM Labor Certification required

NIW is not automatic and it is not a shortcut in the casual sense. It is a different case theory with its own evidentiary burdens. But it can be strategically important for people whose work has a strong national importance component or where employer sponsorship is not realistic.

EB-3 does not offer an equivalent waiver category.

4) Job requirements and recruitment rigor

Both EB-2 and EB-3 PERM cases require recruitment, but the role's minimum requirements shape everything. EB-2 roles tend to be more specialized and can involve more scrutiny of whether the requirements are normal for the occupation and

whether they are tailored to the foreign national.

EB-3 includes categories such as other workers (less than 2 years experience). In some practice settings, those roles can involve recruitment that is more standardized and sometimes less complex on the job requirements side. Still, every PERM case must comply with strict advertising, timing, and documentation rules, regardless of category.

5) Wait times and the Visa Bulletin factor

A common pattern is:

- EB-2: often shorter backlog, sometimes current for many countries
- EB-3: often longer backlog, sometimes around 1 to 2 years for many countries, and longer for China and India

But this is not stable. The State Department Visa Bulletin changes monthly, and USCIS may designate which chart (Final Action Dates vs Dates for Filing) can be used for adjustment of status filings in a given month.

Priority date strategy matters. It affects when the final step can be filed, when work authorization and travel documents may be available through adjustment of status, and when the green card can be issued.

The application process (step by step, in plain terms)

Even though each case has its own issues, the standard EB-2 or EB-3 employer sponsored case follows this flow.

Step 1: Prevailing Wage Determination (PWD)

The employer obtains a wage determination to confirm the minimum wage that must be paid for the position in the geographic area.

Step 2: PERM Labor Certification recruitment

Recruitment is conducted according to Department of Labor rules. The employer must test the labor market and document the results. If no qualified U.S. workers are found for the position, the PERM is filed.

Typical timing: PERM can take roughly 6 to 18 months, depending on processing trends and whether an audit occurs.

Step 3: Form I-140 petition

After PERM approval (or immediately, in NIW cases), Form I-140 is filed with USCIS in the correct EB category.

Typical timing: I-140 often takes roughly 6 to 9 months, though this varies. Premium processing is available for many I-140 filings and can dramatically shorten the petition decision timeframe.

Step 4: Adjustment of status or consular processing

The priority date controls when the last step can happen.

- If in the U.S. and eligible: file Form I-485 when the priority date is current under the applicable chart.
- If outside the U.S. or choosing consular processing: complete the National Visa Center steps and attend an immigrant visa interview when the priority date is current.

Choosing between EB-2 and EB-3: the real decision points

A clean way to frame it is this:

- **Qualifications:** If the job truly requires an advanced degree or the case can support exceptional ability, EB-2 may be the right fit. If the role requires a bachelor's degree or less, EB-3 may be the correct category.
- **Country of birth:** The Visa Bulletin can make EB-2 or EB-3 faster or slower depending on chargeability. This is often the deciding factor once basic eligibility is clear.

- **Case strategy:** If an NIW is potentially viable, EB-2 opens a path that can avoid PERM and employer sponsorship. EB-3 does not.
- **Backlog tolerance and timing goals:** EB-3's broader demand often produces longer waits. In some cases, EB-2 has a shorter backlog. In others, the categories trade places.

For current backlog information, the controlling source is the State Department Visa Bulletin. That bulletin is the reference point for priority date movement and whether a case can proceed to the final green card stage.

A note on alternatives

Some professionals look beyond EB-2 and EB-3 entirely, depending on profile and timing:

- **EB-1** may fit priority workers with extraordinary ability, outstanding researchers, or multinational executives and managers.
- **O-1** is a nonimmigrant category for individuals with extraordinary ability or achievement, sometimes considered when EB-2 standards are not met or when a temporary option is needed while pursuing an immigrant case.
- **Family based** options may exist in parallel and can affect overall strategy.

Bottom line

EB-2 has stricter eligibility requirements, a potentially faster path in many Visa Bulletin scenarios, and the unique National Interest Waiver option. EB-3 has broader eligibility, including skilled and other workers, but often carries heavier demand and longer waits depending on country of birth and annual visa availability.

Because priority dates, category eligibility, and employer recruitment compliance can drive the outcome, case specific analysis is essential, and immigration counsel should review qualifications, job requirements, and Visa Bulletin timing before committing to a category.