



H-1B vs. Green Card Through PERM: A Quick Comparison

Author: Dan Berger

	H-1B	PERM (Green Card)
Intended Beneficiaries	Individuals with at least a bachelor's degree or the equivalent.	Individuals with any type of education or experience.
Basic Eligibility Requirements	Job must require at least a bachelor's degree in a specific field and pay a fair market salary. Employer must agree to pay a salary and benefits consistent with U.S. workers.	Job can be any type of position. Employer must agree to pay a fair market salary when the green card is approved and must share financial documentation to show their ability to pay that salary (e.g. federal tax return or audited financial statement). Employers that are newer, or do not have a brick and mortar office, should submit additional evidence of existence. If a Google search, including Google Earth, does not show clear evidence of a real operating business, USCIS officers may question its existence.



	H-1B	PERM (Green Card)
Benefits	Valid for three years at a time, up to six years. Does not require temporary intent for international travel.	Pathway to permanent residence.
Risks	No specific risks, but the employer and employee should evaluate the chance of success based on the salary, type of position, and education/experience of the employee. There have been very few site visits during the pandemic, but the Fraud Detection unit at DHS may start again to ensure the petition is bona fide.	
Limitations	H-1B does not allow the employee to work for any other employer unless there is a separate "concurrent" H1-B in place. H-1B must be amended if "material" changes in job duties or location of work. H1Bs for private employers are part of a lottery in March, but colleges, universities and some nonprofits can sponsor unlimited H1-Bs.	PERM would have to be restarted if the employee changes jobs before getting most of the way through the process.



	H-1B	PERM
Time Required	Processing times are usually about 4-6 months, not including prep time (which may vary based on whether the employer has done this before). Optional \$2,500 premium processing fee will lead to a 15-day turnaround for an initial decision (if USCIS has questions, they will make a final decision within 15 days after the initial decision).	Usually a 2-3 year project, but significantly longer if the individual is born in China or India.
Costs	See our resource H-1B Visa and Employment-Based Green Card Filing Fees Breakdown for more information on costs.	See our resource H-1B Visa and Employment-Based Green Card Filing Fees Breakdown for more information on costs.

