

Employment-Based Immigration: First Preference EB-12 Multinational Manager or Executive

A foreign national is eligible for an employment-based, first-preference visa if s/he is a multinational executive or manager.

Qualifying Relationship

The US employer must:

- Have a qualifying relationship with a foreign company (parent company, branch, subsidiary, or affiliate, collectively referred to as *qualifying organizations*); and
- Currently be, *doing business* as an employer in the United States and in at least one other country directly or through a qualifying organization for at least one year.

Doing business means the regular, systematic, and continuous provision of goods and/or services by a qualifying organization and does not include the mere presence of an agent or office of the qualifying organization in the United States and abroad.

Qualifications for EB-12 Multinational Manager or Executive

The foreign employment must have been outside the United States in a managerial or executive capacity and with the same employer, an affiliate, or a subsidiary of the US petitioner. The foreign national must have been employed outside the United States in the 3 years preceding the petition for at least 1 year by a firm or corporation and must be seeking to enter the United States to continue service to that firm or organization as a Manager or Executive.

Portability Provision for EB-12 Multinational Manager or Executive

Multinational managers or executives can avail themselves of portability benefits where the alien changes to a new job as a manager or executive even for an unrelated company. However, there may be factual circumstances where such aliens cannot benefit from porting (i.e. where the job duties are vastly different, so that that the new position is not in the same or similar occupational classification as the I-140 employment).

