

Green Card Pathways: Guide to U.S. Permanent Residency for Investors

A comprehensive guide from EB5 Attorneys

A green card grants lawful permanent resident status in the United States, allowing the holder to live and work anywhere in the country indefinitely. There are multiple pathways to obtaining a green card, each with distinct eligibility requirements, processing steps, and timelines. Whether you are sponsored by a family member, employer, or investing in the U.S. economy, understanding the available pathways and procedural requirements helps you make informed decisions and avoid costly mistakes. This guide provides an overview of the major green card categories and explains the two primary methods for obtaining permanent residency: adjustment of status and consular processing.

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Family-Based Green Cards

Family-based immigration is the most common pathway to permanent residency in the United States. U.S. citizens can sponsor spouses, parents, children (married and unmarried), and siblings. Lawful permanent residents can sponsor spouses and unmarried children. The process begins when the sponsoring family member files Form I-130, Petition for Alien Relative, with USCIS. Processing times vary dramatically by relationship category and the beneficiary's country of birth, ranging from under a year for immediate relatives of U.S. citizens to over 20 years for certain family preference categories. The sponsoring family member must also demonstrate the financial ability to support the immigrant by filing Form I-864, Affidavit of Support. Understanding which category applies to your family relationship is the first step in planning your case.

Employment-Based Green Cards

Employment-based green cards are divided into five preference categories (EB-1 through EB-5), each with different eligibility criteria. EB-1 is reserved for individuals with extraordinary ability, outstanding professors and researchers, and multinational managers or executives. EB-2 covers professionals with advanced degrees or exceptional ability and includes the National Interest Waiver. EB-3 is for skilled workers, professionals with bachelor's degrees, and other workers. EB-4 covers special immigrants including religious workers and certain government employees. EB-5 is the investor category requiring a qualifying capital investment and job creation. Most employment-based categories (except EB-1A, EB-2 NIW, and EB-5) require employer sponsorship and, for EB-2 and EB-3, a labor certification (PERM) demonstrating that no qualified U.S. worker is available for the position. Processing times depend on the preference category, country of birth, and current visa bulletin dates.

Diversity Visa Lottery

The Diversity Visa (DV) program makes up to 55,000 immigrant visas available annually through a random lottery to individuals from countries with historically low rates of immigration to the United States. Applicants must meet basic education or work experience requirements and must be from an eligible country. The registration period occurs once per year, typically in October, and selected applicants are notified the following May. Winners must complete visa processing within the fiscal year or lose their selection. The DV lottery is highly competitive, with millions of entries each year. Unlike family-based and employment-based pathways, there is no petition or sponsorship requirement, making it accessible to individuals without U.S. family ties or employer connections. However, the random nature of selection means it should not be relied upon as a primary immigration strategy.

Humanitarian Pathways: Asylum and Refugee Status

Individuals who have been persecuted or fear persecution based on race, religion, nationality, membership in a particular social group, or political opinion may qualify for asylum or refugee status. Refugees apply from outside the United States through the U.S. Refugee Admissions Program, while asylum seekers apply from within the United States or at a port of entry. Both refugees and asylees may apply for a green card one year after being granted their protected status. The asylum process involves either an affirmative application with USCIS or a defensive claim in immigration court. These cases require substantial evidence of persecution, country conditions documentation, and often expert testimony. An experienced attorney is essential for navigating the complexities of humanitarian protection claims.

Adjustment of Status vs. Consular Processing

Once eligible for a green card, applicants obtain permanent residency through one of two procedures. Adjustment of status (AOS) allows individuals already in the United States on a valid nonimmigrant status to apply for their green card without leaving the country, using Form I-485. AOS applicants may receive interim benefits including employment authorization and travel permission while their case is pending. Consular processing requires the applicant to attend an interview at a U.S. embassy or consulate in their home country, where a consular officer makes the final visa decision. The choice between AOS and consular processing depends on the applicant's current location, immigration status, travel needs, and strategic considerations. Some applicants are not eligible for AOS due to immigration violations or entry without inspection, in which case consular processing may be the only option. Your attorney should advise which pathway best fits your circumstances.

Visa Availability and the Visa Bulletin

Not all green card categories have immediately available visas. The U.S. government limits the number of immigrant visas issued each year by category and country of birth. The Department of State publishes a monthly Visa Bulletin that shows which priority dates are currently eligible for processing. If your priority date (the date your petition was filed or labor certification was submitted) is before the date shown in the Visa Bulletin for your category and country, a visa number is available and you can proceed with adjustment of status or consular processing. For categories with long backlogs, applicants may wait years or even decades for a visa number. Understanding the Visa Bulletin and monitoring it monthly is essential for planning your green card timeline.

Frequently Asked Questions

1. How long does it take to get a green card?

Timelines vary dramatically by category and country of birth. Immediate relatives of U.S. citizens (spouses, parents, unmarried children under 21) have no waiting list and typically receive green cards within 12 to 24 months. Employment-based categories can range from one to several years. Family preference categories for certain countries can involve waits of 10 to 20+ years. The Visa Bulletin provides current wait time estimates.

2. Can I work while waiting for my green card?

If you file for adjustment of status within the United States, you can apply for an Employment Authorization Document (EAD) that permits work while your case is pending. If you are processing through a consulate abroad, you generally cannot work in the United States until you receive your immigrant visa and enter the country. Certain nonimmigrant statuses (H-1B, L-1, O-1) allow work authorization independent of the green card process.

3. What is the difference between a conditional and permanent green card?

A conditional green card is valid for two years and is issued to individuals who obtained permanent residency through marriage (if married less than two years) or through the EB-5 investor program. The holder must file a petition to remove conditions before the card expires. An unconditional green card is valid for 10 years and does not require a separate petition to maintain, though it must be renewed for identification purposes.

4. Can I apply for a green card if I am undocumented?

In limited circumstances, yes. Certain individuals may qualify through specific provisions such as registry (continuous presence since before January 1, 1972), cancellation of removal, VAWA protections, or special legislative programs. However, most undocumented individuals face significant legal barriers, including bars on admissibility for unlawful presence. An attorney can evaluate whether any pathway exists based on your individual circumstances.

5. After getting a green card, when can I apply for U.S. citizenship?

Most permanent residents can apply for naturalization after five years of continuous permanent residence. Spouses of U.S. citizens may be eligible after three years. Applicants must demonstrate physical presence in the United States, good moral character, English language ability, and knowledge of U.S. civics. The naturalization application is filed on Form N-400.

Disclaimer: This guide is provided for general informational purposes only and does not constitute legal advice. Every immigration case is unique. Consult a qualified immigration attorney for advice specific to your circumstances.

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