

Pilots Seeking U.S. Green Cards Have a Wide-Open Window of Opportunity in 2022



By Elizabeth M. Klarin

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The commercial and business aviation industry in the U.S. is in crisis, with an unprecedented shortage of pilots creating demand that far outstrips the supply of commercial and business pilots available. While this is bad news for travelers, it is great news for pilots who are seeking a Green Card in the U.S.

In the U.S., Green Cards are available to pilots who can demonstrate that they have:

1. Extraordinary ability, generally meaning they are one of the best in their field based on a [number of criteria](#) outlined by U.S. Citizenship and Immigration Services;
2. An advanced degree in their field;
3. A bachelor's degree in their field plus letters from current or former employers showing that they have at least five years of progressive, relevant experience; or
4. Exceptional ability in their field, meaning "a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business." This standard is lower than the "extraordinary ability" requirements, and has [different criteria for qualification](#) than the "extraordinary ability" qualification (#1 above).

Those with extraordinary ability (#1 above) can self-petition, and do not need to show that there is no U.S. worker available to otherwise fill the petition. While normally, pilots qualifying under #2, #3 or #4 above would need to have a U.S. sponsor for the Green Card and go through a labor certification process to demonstrate there is no U.S. worker able and available to fill the job, **pilots have a unique opportunity to potentially skip this labor certification process and apply for a Green Card without a U.S. sponsor right now, since their expertise is desperately needed in the U.S.**

As one example, I recently obtained an immigrant visa (the first and most difficult step in the Green Card process) for a pilot who has been flying for commercial, business and private clients for many years. By proving that he has exceptional ability in his field and that his work meets the requirements to show that it is in the national interest of the U.S. (based on case law, precedent and current policy), we obtained an approval for his immigrant visa in record time. Instead of having to wait the normal up to two years for approval of this first step in the Green Card process, we obtained approval in approximately five months. While this was pending, I also applied for a nonimmigrant visa for him, so he can continue to take on U.S. clients and work independently for U.S. commercial airlines and businesses while we await the final processing of his Green Card. This nonimmigrant visa, called an E-1 Treaty Trader visa, allows him to live in the U.S. full time for up to five years—more than enough time to get through the final stages of his Green Card application.

If you are interested in spending more time in the U.S., obtaining work authorization to provide your piloting services in the U.S., and/or living in the U.S., please reach out immediately to the Lippes Mathias [immigration](#) team to find out whether you qualify for a U.S. Green Card and/or a nonimmigrant visa (work authorization).

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