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## PRACTICE AREAS

### BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries

Australia

Chile / Singapore E-1

E-1 Visas

E-2 Visas

PERM Labor Certification

### HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

### FAMILY

Spouse / Fiancee Visas

Permanent Residence for Family  
Within U.S.

Naturalization / Citizenship

### AMNESTY

WEDNESDAY, JANUARY 20 2010

## E-Newsletter

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## Becoming a Legal Permanent Resident

Aliens with legal permanent resident status are allowed to stay in the US indefinitely and have many of the same rights and responsibilities as US citizens. Those with permanent residence status hold what is commonly referred to as "green cards," which have been replaced with Alien Registration Cards. There are four avenues to gaining legal permanent resident status in the US:

- Employment-based sponsorship
- Immediate family relationship
- Diversity lottery
- Asylee or refugee status

## Employment

American employers can hire foreign nationals and sponsor them for work visas to move permanently to the US. There are strict requirements for hiring foreign nationals and limits on the number of visas that are available each year. In addition, employers are required to gain labor certification from the US. Department of Labor for certain types of foreign workers before they may hire them. Currently, there are four classes of employer-sponsored visas:



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- EB-1 Priority workers (such as professors, researchers, athletes, executives)
- EB-2 Professionals with advanced degrees or persons with exceptional abilities
- EB-3 Professional, skilled or other workers
- EB-4 Special immigrants (such as religious workers and physicians)

Employers seeking to hire foreign nationals first will want to confirm whether or not they are required to file for labor certification and then submit an Immigrant Petition for Alien Worker to the US Citizenship and Immigration Services (USCIS). Upon approval of both, the foreign national can apply for the appropriate type of visa.

## Family

US citizens and legal permanent residents can sponsor immediate family members for green cards. US citizens may sponsor their spouses, children (whether married or unmarried), parents and siblings. Legal permanent residents only may sponsor their spouses and unmarried children.

In order to sponsor a family member, the US citizen or resident must be able to prove that they are financially capable of supporting the family member by filing an Affidavit of Support with their Petition for Alien Relative (Form I-130) to the USCIS. If the relative cannot meet the financial requirements, the application to sponsor a family member will be denied. If the petition is approved by the USCIS, the family member will be placed in line to apply for a visa to enter the US. Family members are placed in groups according to their family relationship and country of residence. The spouses and unmarried children under 21 years of age of US citizens receive priority status and do not have to wait in line to apply for visas.

## Diversity Lottery

The United States annually provides 55,000 visas to those who are from countries with historically low immigration rates. Foreign nationals are invited to apply for one of these visas electronically during the registration period each year, with the winners selected randomly by a computer program. Only countries that have sent less than 50,000 immigrants to the



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US within the past five years are eligible. The US State Department maintains a list of eligible countries on its Web site.

Applicants must be a native from one of the eligible countries, not merely taken up residence in an eligible country. Also, applicants must have at least a high school education or its equivalent, or have at least two years of work experience in an occupation that requires a minimum of two years training or experience. The Department of Labor maintains a database of occupations that meet these requirements.

## Asylees and Refugees

Each year, the US resettles a limited number of refugees and offers sanctuary to asylum seekers within its borders. To be considered for refugee or asylum status, the individual must be able to prove a credible and well-founded fear of persecution based on their race, religion, nationality, membership in a social group or political opinion. Both groups must meet strict requirements in order to receive the protected status. Refugees apply for protected status while living outside of the US. Asylum seekers, on the other hand, must apply for protected status within one year of arriving in the US or at a port of entry.

It can be a long process to gain legal permanent status in the US. If you have questions about sponsoring a family member or employee, applying for the diversity lottery or filing for refugee status or asylum, contact a knowledgeable immigration attorney.

## Getting Ready To Apply for a Visa

To read and print out a copy of the checklist, please follow the link below.

[Getting Ready to Apply for a Visa](#)

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