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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

TUESDAY, JANUARY 19 2010

E-Newsletter

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Immigration

Although the United States is a nation of immigrants, the government must limit and regulate the entry of foreigners seeking permanent residence in order to prevent an enormous immigration influx and the resulting drain on national resources. Additionally, immigration laws protect the public and the national interest by excluding undesirable individuals from the country. As a result of strict immigration standards, only those foreign nationals who comply with procedural and legal requirements can enter the US.

Illegal immigration occurs when aliens enter the country without proper authorization from the appropriate governmental agency within the Department of Homeland Security. Without authorization, illegal immigrants, or undocumented aliens, cannot legally hold a job or receive important benefits. These parties are subject to deportation (also called removal) when they are discovered and may face substantial difficulties returning to the United States. Deportation typically imposes a five-year ban (which may in some situations be even longer or permanent), on returning to the US, even if the individual has friends and family in the country. People who help illegal immigrants enter the country and employers who give them jobs may face criminal and civil penalties.

Immigrants seek legal permanent resident status by applying for **immigrant visas**. Immigrants applying for permanent resident status from outside the United States must first meet the requirements of one of the categories for immigrant visas. These include a qualifying



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family relationship, full-time permanent employment with a US employer, selection in the diversity lottery and refugee or asylum protection. The US Citizenship and Immigration Services (USCIS) oversees immigrant and nonimmigrant visa applications and grants available visas to those who meet the requirements under US immigration law. There are limits, known as quotas, which exist on the number of immigrant visas that may be granted in any given year, making them more difficult to obtain.

Those with permanent resident status may decide they would like to become American citizens, which can be achieved through the **naturalization** process. To gain US citizenship, permanent residents generally must have resided in the US for at least five years and met continuous physical presence requirements. They also must exhibit good moral behavior and pass an English and civics exam. Finally, they are required to take an Oath of Allegiance to the US and agree to uphold the Constitution and American laws.

Foreign nationals also may seek to enter the US with nonimmigrant visas. There are more than 40 types of **nonimmigrant visas**. Among the most popular are visas for business, tourism, student visas and temporary or seasonal work. Each nonimmigrant visa has specific requirements that must be met in order to qualify. Applicants apply for these visas at the US embassy or consulate in their home country, where they will be required to submit an application and other documentation, have their photos and fingerprints taken, and undergo an in-person interview with an officer from the embassy or consulate.

For assistance with permanent residence, naturalization or nonimmigrant visas, foreign nationals should contact an experienced immigration lawyer who can explain the application procedures and US immigration laws.

Getting Ready To Apply for a Visa

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



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