

US Immigration: Walk Before You Stumble

Part 1 – First a little humor then we'll get serious

Immigrating to the States is not as easy as going to the U.S. Consulate in Jo-burg, getting a visitors visa, packing up and flying to greener pastures, in the hope that you will figure things out when you get here! Clients have told me stories of people saying: Well the U.S. Consulate gave me a 10 year visitor visa, so this must mean that I can remain in the States for 10 years!!! No, it doesn't.

There is a humongous difference between the expiration date on your visa and the **authorized stay** on the infamous little white card you get to slip into your passport when you arrive at the airport. Let me elaborate. If you are granted a visitor visa for 10 years all that means is that you can travel back and forth to the U.S. as a visitor over that ten-year period, until the visa expires.

The crucial question to ask is: What date did the immigration official stamp on the white arrival card at the airport? This will tell you how long you are permitted to stay **for that particular visit**. The immigration officials generally will grant a six-month stay when visiting for pleasure; however, I have seen clients being stamped with as little as two weeks!

There are families who are fully aware of the distinction I outlined above but choose to ignore it. When considering immigrating to the U.S. you need to do just that; consider. Take small steps at a time to build the foundation upon which you will immigrate, rather than fleeing South Africa like a thief in the night and then regretting it in your leisure when you return to S.A. after getting deported!

Linked to this is another biggie: The 3/10-year bar. If you have

been unlawfully present in the U.S. for more than 180 days and you exit, you are barred from reentering for three years. If you have been unlawfully present in the U.S. for more than 1 year you are barred from reentry for 10 years. Don't think that if you have to return to S.A. for a family emergency or for any other reason, that you can just say: "Agh I'll just go home and come back." Good luck! See you in three or ten year's time! Unless you can get a waiver, which is very difficult (not impossible) to get, and the adjudication of the waiver could take years.

Also, under a visitor visa you are very restricted as to what you are permitted to do while in the U.S. For starters you cannot enroll in a course of study or take up employment with an American employer. And for heavens sake please do not even entertain the thought of just doing a little work on the side. There is a system in place, which requires employers to verify the immigration status of the individuals they hire.

Where there is a will there is a way; a way to do things right. Believe it or not there is a system in place, as mangled as it is, to assist individuals wishing to immigrate to the States. Remember the great America is not running away, it will always be here for those who have patience and resilience. Don't do things in desperation. It only comes back to haunt you.

Generally, there are two main ways a person can immigrate to the States: Through work or a family member. There are many hoops to jump through. This is not just filling out a form and getting a piece of paper saying "Yes you are allowed to stay here and work, welcome to America"! Navigating the U.S. immigration waters is fraught with uncertainty. Nevertheless, please don't mistake my cautions with being the bearer of doom. I am not saying that it is impossible; I am just saying that it takes patience and caution.

This brings me to another point. Make sure that whomever it is you employ to assist you with the immigration process is a licensed United States attorney and not some crook. Don't be shy to ask for someone's credentials and to check them out.

While I have tried to hold your attention by using a little humor, (or so I hope), on a more serious note I conclude by imploring you to please go slow, tread firmly and learn to walk rather than stumble down the rocky road to U.S. immigration.

In the upcoming article I will elaborate on some of the issues canvassed here. So, stay posted for part 2, when we get a little more serious!