

Basic Steps to Obtaining Green Card-Legally and peacefully!

1. Get your credentials evaluated. First and foremost step is to get your credentials evaluated. This is the foundational question that needs to be answered- what is your qualification for a certain immigration category and whether you meet the US equivalency or other are qualified for it or not. For example if you are going to get H1b work visa status, your education must be equivalent to US college degree (B.S. degree). If you did not get equivalency to B.S. degree, then instead of filing for work visa perhaps you will need to enroll as student to complete the number of units required to get B. S. degree. And a student visa will be required.

Similarly, if you are filing for L-1 category, your should have, at minimum, worked for the company overseas for at least one year out of last years and a certain business relationship must exist between the international company and US business-among other things. If you do not meet the criteria for L1, however, if you are a national of one the countries which has treaty with the U. S., you might qualify for E-1 visa.

If you don't meet the criteria, no matter what, you won't qualify and will hope against hope. You will end up wasting your time and perhaps life. I have seen too many individuals being led to believe that they qualify and they end up filing wrong petitions and paperwork and eventually suffering by getting out of status.

2. Consult an Immigration lawyer. An Immigration lawyer is a specialist in this arena just like any other lawyer or professional. Most of the problems work visa holders is that they rely on co-workers, inexperienced employers or generic information on internet. "My cousin got the visa. Why can't I get it" or "Let us make some resume up"-kind of mentality can lead you in trouble so an X-ray and the right advise by an Immigration Lawyer would go a long way.

Be prepared to meet the attorney in person. There is lot to be said about meeting someone in person, looking them in the eye and having undivided attention. Be prepared to pay a consultation fees if you want some respect and real attention. It shows your commitment to the process and respect for the professional's time and experience. You will get the same respect and attention back. Do you like when you get paid, so do the attorneys!

3. Find a qualified employer. Once you know which visa category you will qualify in, then act accordingly and find an employer who is willing to sponsor you and meets the criteria. An employer has to be a qualified employer as well. For example, these days IT consulting companies are not doing well because of downturn in economy and are under high scrutiny. Immigration Agency is investigating about 25,000 of company which typically hire H1b workers to investigate fraud. So, if you are an IT professional, for example, seek an employer who has been in business for a little bit, has good business model (product or service), can provide financial standing and meets the other true business indices. If you are doing MS in Education, you might qualify to work for school or other such non-profit agency.
4. Get the visa and obey the law and rules. Once the visa petition is filed and approved, understand the rules and obey them. A non immigrant visa worker is typically eager to please

the employer. The employer sometimes can be eager to save money and cost or make the employer work overtime without paying overtime.

There are several cultural issues which can make an employee feel intimidated. Know your rights and stand your rights. This is United States of America, not a third world country. Stand your ground.

If you or the employer break the law, both will land in trouble. For example, if you are an H1b visa worker and do not get paid regularly or are on "bench", you are breaking the law and consequences can be serious. Similarly, an employee not providing sufficient breaks or paying employee overtime will be found violating the labor laws. Fines are hefty and can range from denial of green card petition, having to wait out of US for green card for number of years to monetary fines to jail time. Is it worth it?

5. Plan ahead for the next step. Know your goal. If your goal is to work temporarily and return to your country after sometime, that is fine. However, if your goal is to get green card, then you need to plan ahead. Know the processing time for visa petition type you will qualify under. Most people keep hopping jobs until last year of work visa. During the last year or so, they try to find an employer who can sponsor for green card and end up missing filing deadlines which would enable them to extend the visa. It is extremely difficult to return to your home country after you have been here for a while.

A change in economy overall or financial and business conditions of employer can also result in a predicament. For example, if someone starts ahead of time in green card application through the employer, he or she can obtain 3 year visa extension on H1b while waiting for green card final step as contrasted with someone else who will have to get yearly extensions.

None of the factors I have stated are rocket science. I am stating the obvious. However, most people don't want to know the simple truth. People get desperate and they go down this unending cycle of false hope, lies on immigration paperwork risking their peace and freedom. Please be realistic and follow the law.