

IMMIGRATION LAW CLE OUTLINE

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- **Family-Based Immigration Law**
 - First question that typically comes up with learning about family based immigration is what relatives can file and who can they file for?
 - Lawful Permanent Resident – Children and your spouses
 - US Citizens – Children, spouses, parents, and siblings
 - Cannot file for – grandparents, aunts/uncles, cousins, etc...
 - Visa Bulletin from the State Department outlines more specifically the wait times for visas depending on what country your family member is from and their relationship to you.
 - Consular Processing
 - Application form I-130
 - filing fees - \$535
 - Common Supporting documents that must be submitted:
 - Birth certificate, marriage certificates, divorce decrees, proof of immigration status, proof of relationship
 - Average processing times vary depending on type of relative that is being sponsored
 - National Visa Center Processing
 - Police Clearance Letter requirements
 - Affidavit of support requirements
 - Civil documents
 - DS-260
 - NVC fees
 - Waiting times (2-3 months)
 - U.S. Embassy
 - Common questions from embassy officials
 - Establishing proof of family relationship – continued communication, photos, money transfers, etc...verify the relationship
 - Extreme cases – will visit the home/village to verify someone got married
 - Adjustment of Status
 - Application forms (I-485, I-130 with Supplement A, I-765, I-131, I-864)
 - filing fees \$1225 and \$535
 - Supporting documents include birth certificate, marriage certificates, divorce decrees, passport photos, proof of entry, proof of lawful status, financial sponsorship requirements, etc...
 - Milestones include obtaining receipt notices, fingerprints, EAD/AP, interview
 - Common issues

- Securing a joint sponsor if petitioner's income is not sufficient
 - Avoiding sham marriages
 - Inquire into the location of the petitioner if only the beneficiary shows up
 - Inquire into the petitioner's income to see if a joint sponsor is required and if the petitioner is unemployed
 - Inquire into whether the petitioner has ever obtained public assistance from the government
 - Inquire into the petitioner's criminal record
 - Taking proof of marriage to the interview (joint bank statements, lease agreements, insurance, bills, photos, etc...)
 - Interviews are typically casual, officer asks basic questions, gets a feel for the couple and how they interact
- **Employment-Based Immigration Law**
 - Common Non-Immigrant Employment Visas
 - L-1 A
 - International executives and managers – 7 years
 - Company can apply for employee's green card after 1 year
 - Manage the work of several professionals
 - L-1B
 - Workers with specialized knowledge – 5 years
 - E-2
 - Must be a national of a country the U.S. has a treaty with
 - Investment must be industry standard, but typically at least \$100,000
 - Valid for 2 years but renew indefinitely every 2 years
 - Source of the investment, proof of investment, proof of business existence, proof it will create more than marginal profits,
 - H-1B
 - Most common employment visa
 - People seeking to work in a professional occupation (generally taken up by individuals in the IT industry)
 - 85,000 visas every year to about 250,000 that apply
 - Apply on April 1st with a start day of October 1st
 - Valid for 6 years but extensions can be granted if you can demonstrate a company has completed certain steps to sponsor your green card
 - F-1
 - Study at a college or university
 - Granted for an indefinite status (D/S) – as long as maintaining a full course load
 - After completing your degree you can get 12 months of OPT

- If you have a STEM degree you can get more than 2 years of work authorization
 - Employment-Based Green Card Process
 - Labor Certification
 - Systematic process of recruitment undertaken by the employer to test the labor market for skilled, able or qualified U.S. workers
 - Recruitment
 - Mandatory steps include internal job posting, State Workforce Agency Posting, Consecutive Sunday publication
 - 3 additional supplemental forms of recruitment for professional occupations
 - Employer must collect resumes and interview qualified applicants
 - Submit PERM ETA9089 if no qualified applicants after performing recruitment
 - I-140
 - Employer must prove they can pay the prevailing wage and determined by the Department of Labor
 - Applicant must prove they are qualified
 - Educational requirements (foreign education evaluation)
 - Experience requirements (job verification letters)
 - I-485
 - Adjustment of Status process as discussed above
- **Citizenship**
 - Form N-400 with \$725 filing fee and supporting documents
 - Can apply after being a permanent resident for 5 years (some exceptions)
 - Presence Requirements
 - No trips longer than 180 days and spend at least half your time in the U.S.
 - Elementary knowledge of English & must pass the civics & English exam
 - No criminal record for the last 5 years
 - Processing times are approximately 10 months right now