



E-1 TREATY TRADER AND E-2 TREATY INVESTOR VISAS

If you are a foreign national who wishes to start a business in the United States, you may be eligible for an E visa. There are two categories of E visa: E-1 Treaty Traders and E-2 Treaty Investors. E-1 visas are designed for individuals who oversee an enterprise that is engaged in trade between the U.S. and a treaty country, while E-2 visas allow for an individual from a treaty country to make an investment to start and run a business in the U.S. There is no designated minimum amount for this investment, but it must be enough to allow for the operation of a more than marginal business. These E visas are only available to citizens of countries that have a bilateral investment treaty or a treaty of commerce and investment with the United States. E visas are non-immigrant visas that are normally granted for an initial term of two years; however, extensions of the visa may be granted indefinitely so long as the alien's qualifying business continues to operate in the United States. Citizens of the following countries may apply for an E visa*:

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|-----------------|----------------------------|
| Argentina | Japan |
| Australia | Korea |
| Austria | Latvia |
| Belgium | Liberia |
| Bolivia | Luxembourg |
| Bosnia | Macedonia (FYROM) |
| Brunei | Mexico |
| Canada | Netherlands |
| Colombia | Norway |
| Costa Rica | Oman |
| Croatia | Pakistan |
| Denmark | Paraguay |
| Estonia | Philippines |
| Ethiopia | Slovenia |
| Finland | Spain |
| France | Suriname |
| Germany | Sweden |
| Greece | Switzerland |
| Honduras | Taiwan (Republic of China) |
| Iran | Thailand |
| Ireland | Togo |
| Israel | Turkey |
| Italy | United Kingdom |

*Please note that citizens of some of these countries may only apply for one of the two visa categories. Although we attempt to keep this list up to date, please see the U.S. State Department for the definitive list of eligible countries.



EB-5 IMMIGRANT INVESTORS

Under the EB-5 program, foreign investors (along with their spouses and unmarried minor children) are eligible for permanent residency in the United States if they make a qualifying investment in a U.S. commercial enterprise that creates or preserves at least 10 permanent full-time jobs in the U.S. Ordinarily the qualifying investment is \$1 million; however, the amount is reduced to \$500,000 for certain targeted employment areas. Targeted employment areas include areas with unemployment of at least 150 percent of the national average and rural areas. EB-5 investments are often made through specialized regional centers, but this is not required for an investment to qualify.



H1-B SPECIALTY OCCUPATION VISAS

H-1B visas are non-immigrant visas available to professionals working in specialty occupations who wish to be employed in the United States. They must have an employer petition for them, and they may be granted a stay of up to three years. This is not a class of visa that is open to all jobs, and you generally must meet certain education or experience requirements. Additionally, there is a cap of 65,000 H-1B visas issued per year (with some exceptions), so there is not a guarantee that you will get a visa the year you apply. Your spouse and unmarried children under 21 may come with you if you are granted an H-1B visa. Although the H-1B is a non-immigrant visa, it may open the possibility of later applying for an employment-based green card.

H2-A AGRICULTURAL WORKERS AND H2-B NON-AGRICULTURAL WORKER VISAS

The H-2A and H-2B programs allow for workers to come to the United States on a temporary basis to fill jobs that are temporary or seasonal in nature. These visas are available for a maximum period of one year. Prior to petitioning for any temporary employees, the employer must first obtain a temporary labor certification from the Department of Labor.

O-1 EXTRAORDINARY ABILITY VISAS

If you have demonstrated extraordinary ability or achievement in your field, you may be eligible to come to the U.S. on a non-immigrant O visa to engage in employment in your area of expertise. O-1A visas are available to individuals who have demonstrated extraordinary ability in the sciences, education, business, or athletics. O-1B visas are available to individuals who have demonstrated extraordinary ability in the arts of extraordinary achievement in the motion picture or television industries.

ATHLETE, ARTIST, PERFORMER, AND ENTERTAINER VISAS

These visas are available to individuals who wish to come to the United States to perform in their area of expertise. P-1 visas are available to internationally recognized athletes and members of entertainment groups. P-2 visas are for individuals or groups participating under a reciprocal exchange program. P-3 visas are available to artists or performers with culturally unique work.



L-1 INTRACOMPANY TRANSFEREE VISAS

If you have an existing business that you would like to expand into the United States, or if you already conduct operations in the U.S. but wish to transfer employees to manage these operations, an L visa may be a good fit for you. L-1A visas are available to executives and managers, and L-1B visas are available to specialized knowledge workers. The petitioning employer must have a qualifying relationship with a foreign company and be doing or have plans to do business in the United States. The beneficiaries of the visa must have been employed by the foreign company for at least one year of the last three, and they must continue to work in qualifying employment in the U.S. L visas are typically granted periods of stay of three years, which may be extended; however, however, the period of stay for the initial visa is only one year if a new office is being established. Although the L visa is a non-immigrant visa, note that USCIS views the L visa as a dual intent (both immigrant and non-immigrant) visa, which may allow for a later filing of a petition for permanent residency for qualifying individuals.

I-140 IMMIGRANT PETITION FOR ALIEN WORKER

Individuals with extraordinary ability and accomplishments in their field of work may be eligible to obtain permanent residency in the United States by filing (or having their employer file) an I-140 Petition. Different visa categories are available for individuals with extraordinary or exceptional ability, professors or researchers, advanced degree professionals, physicians in underserved areas, and other sorts of professional workers. I-140 Petitions generally require a labor certification; however, this requirement may be waived if you demonstrate that it is in the national interest of the U.S. to do so.



I-130 PETITION FOR ALIEN RELATIVE

If you are a U.S. citizen or permanent resident, you may be eligible to petition to have your family join you in the United States. Permanent residents are entitled to petition for spouses and unmarried children. Citizens may petition for their spouses, children, parents, and siblings. Depending on the relation, the amount of time it takes to receive a visa will vary.

I-129F PETITION FOR ALIEN FIANCE

If you are engaged to someone outside of the United States, you may sponsor them to come to the U.S. to get married and become a permanent resident. Before you can do this, you must be able to show that you have visited them abroad at least once, as well as further evidence of the good faith nature of the relationship. After your fianc  receives their visa and enters the U.S., you have 90 days to get married. Then you may apply for your spouse to get their green card. We will note that after the 2015 San Bernardino terrorist attack, there were calls to review the fianc  visa program. Because of this, you may face unforeseen delays or changes in procedure when petitioning for your fianc .

I-751 PETITION TO REMOVE CONDITIONS ON RESIDENCE

If you acquired your green card through marriage, you may have been given a conditional green card that expires after two years. This occurs when the you've been married for less than two years before being granted residency. If this is the case, you need to file an I-751 Petition within 90 days of your green card expiring. Along with this petition, you'll need to submit additional evidence that you are still involved in a good faith marriage (or, if the marriage has failed, evidence that you got married with good intentions). After submitting the petition, your permanent residency will be extended for one year while USCIS reaches a decision on your I-751 Petition.

I-600 PETITION TO CLASSIFY ORPHAN AS IMMEDIATE RELATIVE

If you wish to adopt a child who has no parents or whose parents are unable to care for him or her, you may sponsor them to come to the United States so you can adopt them. You must be a U.S. citizen to file this form, and it must be done before the child reaches 16 years of age. Additionally, a study must be performed to ensure that your household is suitable for raising a child.



ASYLUM

If you have faced persecution in your home country because of your political opinion, race, religion, nationality, or membership in a particular social group, you have the right to request asylum. It is important that you apply for asylum within one year of arriving in the United States. If you are granted asylum, you have the right to bring your spouse and unmarried children under 21 as derivatives. You are also eligible to apply for a green card one year after being granted asylum.

PROTECTION UNDER THE CONVENTION AGAINST TORTURE

You have the right to ask for protection pursuant to Article 3 of the Convention Against Torture (CAT) if it is more likely than not that you would be tortured in your home country. None of the usual bars to asylum apply to CAT protection. However, the status offers many fewer benefits. You do not have a path to permanent residency, you cannot petition to bring family members, you cannot travel, and you could theoretically be removed to a third country.

U-VISA FOR VICTIMS OF CRIMINAL ACTIVITY

If you are the victim of a crime that occurred in the United States or that violated U.S. laws, you may qualify for a U-visa. Eligible crimes include:

- Abduction
- Abusive sexual contact
- Blackmail
- Domestic violence
- Extortion
- False imprisonment
- Female genital mutilation
- Felonious assault
- Fraud in foreign labor contracting
- Hostage
- Incest
- Involuntary servitude
- Kidnapping
- Manslaughter
- Murder
- Obstruction of justice
- Peonage
- Perjury
- Prostitution
- Rape
- Sexual assault
- Sexual exploitation
- Slave trade
- Stalking
- Torture
- Trafficking
- Witness tampering
- Unlawful criminal restraint
- Other related crimes

If you have been the victim of one of these crimes, have suffered physically or mentally because of it, have provided information about the crime, and have been helpful to law enforcement, you may be eligible for a U nonimmigrant visa. This will allow you, your spouse, and your children (and if the victim is under 21, their parents and siblings) to remain in the U.S. with employment authorization. After three years and upon meeting certain criteria, this status may be adjusted to lawful permanent residency.



WITHHOLDING OF REMOVAL

If you are ineligible for asylum for some reason, such as having applied more than one year after arriving in the U.S. or having first firmly resettled in another country, you may still be eligible for withholding of removal if you can show that there is a clear probability that you would be persecuted in your home country. The only bars that apply to withholding are persecution of others, conviction for a particularly serious crime in the U.S., commission of a serious nonpolitical crime outside the U.S., and terrorism. However, withholding is a lesser status than asylum. You will be given employment authorization, but there is no path to permanent residency. Additionally, you will not be able to petition to bring your family to the U.S., and you will not be given a travel document.

T-VISA FOR VICTIMS OF HUMAN TRAFFICKING

If you are or have been a victim of human trafficking, you may be eligible for a T-visa. In order to qualify, you must be willing to cooperate with law enforcement in the investigation or prosecution of human trafficking, and you must demonstrate that you would suffer an extreme hardship if removed from the United States. If you meet these criteria, you will be allowed to remain in the U.S. You may also petition for your spouse and children as derivatives, as well as your parents and siblings if you are under 21.

HUMANITARIAN PAROLE

For individuals that have attempted to gain entry to the U.S. but have been denied, they may request to be paroled into the United States because of extreme humanitarian circumstances. Requests for humanitarian parole are highly discretionary and rely on the specifics of the case, but they can be a successful last resort when more typical means of obtaining entry have failed.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS

If you came to the United States before reaching your 16th birthday, you may be eligible to remain in the U.S. and obtain a work permit under the Deferred Action for Childhood Arrivals program (also known as DACA or the DREAM Act). In order to be eligible for DACA, there are multiple criteria you must meet:

- You must have resided in the U.S. from June 15, 2007 to the present
- You must have been physically present in the U.S. on June 15, 2012
- You must have been younger than 31 on June 15, 2012
- You must have been younger than 16 when you arrived in the U.S.
- You must be enrolled in school or have received a high school diploma, GED, or honorable discharge from the armed forces
- You must not have been convicted of a felony, significant misdemeanor, or three or more other misdemeanors



SPECIAL IMMIGRANT JUVENILE STATUS

Children who have been abused, abandoned, or neglected by one or both parents may be eligible for Special Immigrant Juvenile Status. These children must be under the age of 21 according to federal law; however, many state laws demand that they must be under 18. A predicate order from state family court is required stating that it would not be in the child's interest to return to their country of origin. Then a petition may be filed with USCIS requesting permanent residency in the United States.

