

File Your Employment-Based Green Card & Work Permit Applications Before August 18th

On July 17, 2007, the U.S. Citizenship and Immigration Service (USCIS) announced that it would immediately begin accepting employment-based lawful permanent residency applications for eligible persons (more commonly known as “green card” applications). This announcement corrected the government’s previous error in judgment, when it announced in the U.S. Department of State (USDOS) July 2nd updated Visa Bulletin that it would not follow through with a previous decision to open these same immigration doors.

Over the past several weeks, immigration attorneys and advocates lobbied hard to reverse the July 2nd decision. Thanks to pressure from our colleagues at the American Immigration Lawyers Association (AILA) and other parties, the government corrected its error.

Specifically, beginning July 18th and ending on August 17th, USCIS will accept all employment-based “green card” applications for those qualified persons “in-status” within the U.S. Many of these same applicants will be eligible to concurrently apply for their coveted “work permit” benefit as well. To be clear, this is not “amnesty” for out-of-status individuals.

The employment-based immigrant visa and “green card” process requires that a visa actually be available for a person to receive that visa and come to (or remain in) the U.S. For many foreigners, it is the first step in the actual immigration process, wherein “green card” status is obtained. In order to determine whether a visa is available, you must read the monthly Visa Bulletin issued by the USDOS. Over the past several years, the monthly Visa Bulletin has shown a “retrogression” in the priority dates of certain employment-based visa petitions filed. Stated plainly – there has been a waiting list for many employment-based immigrant visas. In many cases, people were required to wait for several years before a visa would become available.

But, because of the U.S. government announcement on July 17th, nearly all employment-based immigrant visa categories (except for the “Other Workers” category) will be current. Stated plainly – the waiting lists for virtually all employment-based immigrant visas have been temporarily eliminated, and these employment-based visas are available to qualified applicants. There is a nearly endless list of eligible foreigners seeking employment, an immigrant visa, and – eventually – a “green card” through this process.

Some of the more common applicants will be nurses, physical therapists, occupational therapists, computer specialists, engineers, architects, teachers, business managers, accountants, doctors, lawyers, and other skilled employees. But this is not a complete list. In fact, such visas are now available for hundreds of different types of jobs – too many to list here.

Why is this development important to U.S. businesses, foreign individuals and their families? For virtually all foreigners, you may now apply for an immigrant visa and lawful permanent residency with the support of an employer, and secure “green card” status for yourself and certain family members. As a U.S. employer, you may now *legally* fill important positions within your company with qualified employees. Also, you may indefinitely extend the stay and employment eligibility for existing foreign employees – while maintaining an at-will job relationship.

But you must act now! The U.S. government announced it will only accept such “green card” applications until August 17th. Thus, you should prepare and file the necessary applications and petitions immediately. If you have already begun your employment-based immigrant visa / “green card” process, you should contact a qualified attorney, and continue this process as quickly as possible. If you have not yet begun this process for yourself or your employees, but wish to do so, we urge you to contact a qualified attorney, who will guide you through this process. There are steps that must be completed before actually applying for an immigrant visa and eventually securing lawful permanent residency.

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