

All the Latest News from RIAA Barker Gillette USA

Immigration



Highlights of RIAA Barker Gillette (USA) and “The Immigrant Success Story: How Family-Based Immigrants Thrive in America” by AILA

I have been selected to be the co-chair of the Immigration and Naturalization Committee [1] of the American Bar Association, Section of International Law. The Immigration and Naturalization Committee's mission is to promote the rule of law by bringing together private and public-sector lawyers, government lawyers, students, academics and others across the globe with a common interest in immigration. Our objectives are to develop awareness of immigration issues around the world, and to encourage discussion of legal issues in particular jurisdictions. Among our projects, we produce quarterly newsletters, develop programs on key legal issues in the field for ABA meetings, propose and comment on immigration policy matters, and establish worldwide networks of legal professionals among ABA members. I am delighted to be selected to serve in this position and I look forward to advancing the profession through Committee activities.

I am also thrilled to announced that RIAA Barker Gillette (USA) has had several successful outcomes for its immigration clients. Some examples are below:

Federal court litigation to expedite approval of naturalization cases (citizenship applications)

I was able to obtain approval for clients who had had their citizenship applications pending for several years. By filing writ of mandamus lawsuits against the USCIS and other federal agencies involved, I was able to get some citizenship cases approved in 90 days from filing complaints in federal court.

H-1B visa applications

Professional workers being hired by U.S. businesses. I handled several successful applications for work visas. I have a fondness for this visa category, since this is the category which allowed me to work for my first law firm in Washington, D.C., after graduating from law school in the U.S. This is a non-immigrant visa that allows certain foreign workers to perform full time work for U.S. employers for up to 6 years. The professions and businesses I have done H-1B visas for include accounting, medicine, dentistry, information technology, engineering, biotech, global health non-profits, and e-commerce, among others. Applications for H-1B visas for next year must be filed in the first week of April 2019. In 2018, 190,098 H-1B petitions were received for 85,000 positions. As a result, some were not selected in the random lottery process.

L-1A intracompany transfers

This visa category allows a start-up U.S. company or an existing U.S. company to employ a foreign national as an executive or manager. To be eligible, the employee must have at least one year of qualifying work experience for an affiliated entity overseas. This is a popular category of visa for those companies that have offshore operations and wish to bring key talent to the U.S. to help grow the U.S. business. It is also a useful visa category for overseas based companies to launch operations in the U.S. I have experience handling these cases for law firms, fin tech companies, asset management firms, information technology companies, and large wine producers. This visa is a good vehicle for those eventually looking to get a green card. L-1A employees may generally apply for green cards after one

year of employment in the U.S., sometimes sooner. The advantage of this visa is that it is not subject to U.S. labor market testing and minimum wage requirements. It is also not restricted to certain countries, or any minimum investment amount. The L-1B visa is also an option for specialized knowledge workers.

E-2 treaty investor visa

This is a very attractive category of visa available to citizens of certain treaty countries. It allows foreign nationals to invest in the U.S. in any business of their choice and obtain a visa to live and work in the U.S. to develop and direct their business. They may also petition for essential employees (e.g. a specialty chef at a restaurant). The investment must be substantial, though no minimum is specified. The source of funds must be documented in great detail. The business can be a start-up or an existing business. Syed Law Firm has successfully obtained E-2 investor and essential employee visas for restaurants, IT companies, medical device suppliers and other businesses.

Family Sponsorship

Our firm has worked on several cases involving parents and spouses/fiancés of U.S. citizens. There are different processes for relatives who are already in the U.S. on some other visa category, and those who are overseas. Persons married to U.S. citizens can get green cards, even if they are living out of status in the U.S. This is a great advantage of this category. Certain foreign citizens who live with their U.S. citizen spouses in countries where USCIS offices are located, [2] may file for their U.S. green cards at the U.S. Embassy directly, without the need to process with USCIS first in the U.S. RIAA Barker Gillette (USA) has recently had success in such cases in London, U.K. and Rome, Italy. This option is only available in a limited number of countries, and is quicker than similar processing inside the U.S.

Employment based green cards

An employer that can demonstrate to the U.S. Department of Labor that it has been unable to find a qualified U.S. worker may offer the job to a qualified foreign national. Next, the employer has to petition USCIS for a permanent resident visa for such a person. This is also known as the PERM green card. The whole process can take longer than a year, sometimes much longer. Certain occupations known as schedule A positions are exempted from the labor market test. These are occupations where the U.S. Department of

Labor has determined that a shortage of qualified workers already exists. Examples are nurses and physical therapists. These cases can be approved quicker. Among the professionals RIAA Barker Gillette (USA) has assisted in getting green cards are accountants, dentists, physicians, IT workers, physical therapists, lawyers and others.

TN status or TN visa

This is a special non-immigrant status in the United States, Canada, and Mexico that offers expedited work authorization to a citizen of these countries. It bears a similarity, in some ways, to the U.S. H-1B visa, but also has many unique features. Within the TN set of occupations, a United States, Canadian, or Mexican citizen can work in the one of the other two countries for up to three years but does not have the right to apply for permanent residence. The permit may be renewed indefinitely.

As many of you are no doubt aware, it has been a busy time in the world of immigration. In order to provide information to my customers, I have regularly contributed articles to my blog. Some recent articles are provided here for your reference. If you or someone you know has need for U.S. immigration law services, please contact me.

EB1 Multinational Manager/Executive Green Card via an L1A Intracompany Transfer Visa

What is the L-1A visa? The L-1A intracompany transfer non-immigrant visa allows foreign national executive/managerial employees located outside the U.S. to work in the U.S. for an affiliated entity. An L-1A visa is a non-immigrant status and does not automatically.....[Read more...](#)

Review of The American Immigration Council's Special Report: "The Immigrant Success Story: How Family-Based Immigrants Thrive in America"

A brief summary of The American Immigration Council's special report, "The Immigrant Success Story: How Family-Based Immigrants Thrive in America," by Harriet Duleep, Ph.D, Mark Regets, Ph.D. and Guillermo Cantor, Ph.D. This report explores the family-based immigration system's influence on upward...[Read more...](#)

Immigration Changes and You: The Effects of the Trump Administration's New Policies

On March 22, 2018, the American Immigration Lawyers Association published "Deconstructing the Invisible Wall: How Policy Changes by the Trump Administration Are Slowing and Restricting Legal Immigration." The changes are reflected in several broad categories: travel ban and extreme vetting, admission of temporary skilled workers and entrepreneurs; programs for compelling populations; naturalization of foreign-born soldiers in the U.S. military; the growing backlog of immigration benefits applications, increasing processing times, and increasing fees; and decreasing focus on stakeholder input and customer service...[Read more...](#)

RIAA Barker Gillette (USA) has summarized the policy report and has outlined the ways that the policy changes may affect you as you go through the immigration process.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

