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Green Cards: Improving Processing Time & Immigration Strategies

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Green Cards: Improving Processing Time & Immigration Strategies

Choosing the correct and most suitable immigration classification and category when initiating and applying for green card status in and to the U.S. is extremely important. Depending on the type and/or classification of the green card, the wait time to obtain green card status varies tremendously, and the difference can be several months, to several years or even decades.

Immigrating to the U.S. via sponsorships through certain skill sets are effective ways to legally and permanently live and work in the U.S., or gain legal permanent residency status in the U.S.

The green card cases, based on skill sets or employable skills, in the U.S. fall under several preference categories. Some green card cases require employer sponsorships and some do not.

Some of the categories include, but are not limited to, green card employment-based preference 1 category ("EB-1"), employment-based preference 2 category ("EB-2"), and employment-based preference 3 category ("EB-3"). Choosing the most effective employment-based green card preference category is important to the foreign nationals for many reasons. Many EB-1 and EB-2 green card cases can be self-petitions, and this means, they do not require employer-sponsorships. For foreign nationals who have any green card cases (whether or not based on employment) that have been pending for too long, right now will be a good time to review various self-petition green card options. The differences in the various EB categories include, but are not limited to:

1. Many employment-based green card cases require sponsorships by employers. Other employment-based green card cases do not require the sponsorships of any specific employers, and can be self-petitions or self-sponsorships by the foreign national themselves.

a) For example, an EB-3 green card case requires the sponsorship by an employer.

b) On the other hand, an EB-2 national interest waiver green card case that is based on the foreign national's contribution to the industry does not require the sponsorship by an employer.

c) An EB-1 extraordinary ability green card case is a self-petition immigration case, and does not require the sponsorship by an employer. Certain EB-1 green card cases require the sponsorship by an employer.

2. The wait time for green card cases for the various employment-based preference categories or cases can vary widely, ranging from several weeks or several months, to almost 9 years, because their wait time are tied to the employment-based preference category and the foreign national beneficiary's country of birth (not nationality).

a) For example, the wait time to receive a green card based on an EB-1 case is tremendously shorter (several months or weeks) than an EB-3 case (many years) because immigrant visa numbers are more readily available for an EB-1 than an EB-3 case. Also, the wait time for an EB-2 national interest waiver case is tremendously shorter (several months or weeks) for, not all, but many countries.

b) For example, under an EB-2 case based on PERM, it takes substantially longer for a foreign national who was born in India or China to receive his/her green card (several years) than a foreign national who was born in other countries.

c) However, if a foreign national who was born in India or China is eligible and is applying for an EB-1 green card case, the wait time will be tremendously shortened.

d) Other than a bona fide marriage and other immediate relatives to a U.S. citizen, having relatives to provide immigration sponsorships to foreign nationals are by no means good solutions. Certain family-based green card sponsorships could take decades to come through.

For more information on the current immigrant visa number availability, please visit the immigrant visa bulletin at the website of the U.S. Department of States at

http://travel.state.gov/visa/bulletin/bulletin_1360.html

3. Moreover, the green card processing time at the various government agencies changes from time to time, depending on diverse factors such as their immigration case load, number of green card applicants in a given period, new law and/or policies.

a) The processing time for the various employment-based green card categories can retrogress (take much longer than the government's previously estimated processing time).

b) For example, the processing time for many EB-3 green card cases retrogressed from a processing time of about 8.5 years in April 2009, to a sudden halt (no processing) for the month of May 2009 when immigrant visa numbers became unavailable for May 2009 because the U.S. Citizenship and Immigration Services

("USCIS") cannot adjudicate green card adjustment of status cases without the available immigrant visa numbers.

e) For more information on the immigrant visa number availability (especially for April and May 2009), please visit the immigrant visa bulletin at the website of U.S. Department of States at

http://travel.state.gov/visa/bulletin/bulletin_1360.html

4. Some foreign nationals are deterred and discouraged by the dampening economy from, or their dim view in securing U.S. employment, and/or immigration or green card sponsorships.

a) For foreign nationals who do not have or wish to secure immigration sponsorships by U.S. employers, being able to apply for employment-based green card by themselves without any specific employers (i.e. self petitions or self sponsorships) can make a huge difference in their lives.
For example, the differences of either falling into illegal immigration status in the U.S.; not coming or immigrating to the U.S. or having to leave the U.S. (most often, after years of being in the U.S. with established social circles and families here); or the privileges and opportunities to live and anywhere in the U.S. with U.S. permanent residency status, and eventually, the opportunity to apply for U.S. citizenships.

In summary, choosing the most effective category of green card cases means the difference of waiting decades for your green card, to several months or weeks. Having a green card much sooner also means having the opportunities to choose to live and work anywhere in the U.S., and eventually, to apply to be U.S. citizens.

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We represent companies, and individuals and their families in U.S. immigration law such as green card, work visa and waiver matters. We represent clients within the U.S. and abroad.

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