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Tired of Waiting for Your Pending Green Card Cases? Consider Other Employment-Based Green Card Options!

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Immigrating to the U.S. via sponsorships through employment or 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 employment-based green card cases in the U.S. fall under several preference categories. 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. 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 employment-based 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 does not require the sponsorship by an employer.

2. The waiting 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 waiting time to receive a green card based on an EB-1 case is tremendously shorter (several months or weeks) than an EB-3 case (7 to 9 years) because immigrant visa numbers are more readily available for an EB-1 than an EB-3 case.

b) For example, under an EB-2 case based on PERM, it takes much longer for a foreign national who was born in India or China to receive his/her green card (4 to 5 years) than a foreign national who was born in other countries (2 to 3 years).

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 shorten.

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

http://travel.state.gov/visa/frvi/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/frvi/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 work and live 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 almost a decade 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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Ms. Kok at Tiya PLC represents companies, foreign national employees, families, and individuals, and those who wish to live and work in the U.S. in wide-ranging immigration law matters in applying for green card, work visa and U.S. citizenship. We have experience in cases such as EB-1, EB-2, EB-3, extraordinary ability, outstanding researcher or professor, national interest waiver, J waiver, extreme hardship waiver, I-601 waiver, I-212 waiver, H-1B specialty occupation worker, H-3 trainee, L-1A intracompany executive or manager, L-1B specialized knowledge professional, E-2 treaty investor, E-2 employees, PERM permanent labor certification, J trainee, J intern, I-140 Immigrant Petition, I-485 Adjustment of Status Application. We represent immigration cases before the U.S. government agencies such as the U.S. Consulates abroad, U.S. Citizenship and Immigration Services and U.S. Department of States.

With more than a decade of professional immigration law experience with excellent results, we are your best source of professional U.S. immigration law services.

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