

GET A VISA FOR

America

Moving to America can be cumbersome – or surprisingly straightforward. Mona Chawla explains why choosing the right immigration lawyer – along with a visa tailored to your circumstances – is the key to your ultimate success

Before you start out, it is important to recognise that US immigration law is extremely fact-specific, and that every applicant's circumstances are unique. Two cases can appear, to the untrained eye, to be identical in all relevant respects, and yet they can differ in ways that are very subtle, but utterly decisive. You may be baffled with all the visas options available – ranging from B, E, H, L to K, S, P, and V visas – that sound more like alphabet soup than immigration categories. There are different visas for doctors, nurses, athletes, writers, scientists, 'outstanding researchers,' IT professionals, and so on. However, the two forms of visa which remain popular with Brits intending to move to the U.S. and establish a business include:

- The L-1 visa – suitable if you own a UK-based business which is going to continue to trade whilst you are in the US. L-1 visas are typically designed for executives and managers who are coming as transferees or to set up a new branch office in the United States. Although the American business that you are buying must be affiliated to the British company through ownership, it does not have to be the same type of business that you are operating in the UK.
- The E-2 business investor visa, which requires an investment in a business 'substantial' enough to support you and your family, and employ U.S. workers. You need to be particularly cautious when promises are made tying in visas with the purchase of a business in terms of the suitability of the business in satisfying the necessary criteria for the granting of a visa. Beware of any claims that guarantee a

business' qualification for gaining an E-2 visa. Initially, E visas are granted for a two-year period.

Ultimately, most people in the US are interested in obtaining a Green Card, which gives you the right to live and work anywhere in the US and the opportunity to become a US citizen. It can be obtained through various paths, including family sponsorship or five separate employment-based categories. Priority is given to people with skills considered in short supply.

The immigration process is often riddled with contradictory and ever-changing procedures. As federal judges have written, "The statutory scheme defining and delimiting the rights of aliens is exceedingly complex. Courts and commentators have stated that [US

immigration law] resembles 'King Mino's labyrinth in ancient Crete,' and is 'second only to the Internal Revenue Code in complexity.'" An experienced immigration lawyer will be able to guide you through this labyrinth right from the outset till the day you get the visa stamp in your passport.

For more information on US visa criteria, visit the United States Citizenship and Immigration Services website www.uscis.gov and contact a qualified US lawyer.

Mona Chawla is a qualified US attorney and English solicitor with many years of experience with American immigration. She is a partner at Harris Chawla Solicitors, who provide advice to people around the world who wish to relocate to the US, UK, and Canada. For more details, call her on 020 8747 9380, or e-mail mchawla@immigrationone.com.

