



9 WAYS OF OBTAINING LEGAL PERMANENT STATUS IN THE US

Green Card

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NOTE: The information provided below is a general overview of the permanent resident status "Green Card" process in the United States. It is not meant to be legal advised. Every case is different, and the assistant of a U.S. Immigration Attorney is highly recommended for any U.S. immigration matter. The Law Office of Jesus Reyes, PLLC assist clients in all the immigration processes described below. For more information visit: www.jesusreyeslegal.com

*Source: United States Citizenship and Immigration Services (USCIS)
<https://www.uscis.gov/green-card/green-card-eligibility-categories>

1

FAMILY BASED

- I Green Card through Family (immediate relatives)
 - A. Spouse of a U.S. citizen
 - B. Unmarried child under the age of 21 of a U.S. citizen
 - C. Parent of a U.S. citizen who is at least 21 years old.
- II Green Card through family Non-immediate relatives (for this the “visa” in the Visa bulleting must be current. The Visa Bulletin is a monthly bulletin published US Department of State. Therefore, typically there are significant waiting periods between the time the petitioner family member petitions his or her relative also known as the beneficiary.
 - Unmarried son or daughter of a U.S. citizen and you are 21 years old or older
 - Married son or daughter of a U.S. citizen
 - Brother or sister of a U.S. citizen who is at least 21 years old
 - Spouse of a lawful permanent resident
 - Unmarried child under the age of 21 of a lawful permanent resident
 - Unmarried son or daughter of a lawful permanent resident 21 years old or older
 - Fiancé(e) of a U.S. citizen or the fiancé(e)’s child
 - Other family categories
 - Person admitted to the U.S. as a fiancé(e) of a U.S. citizen (K-1 nonimmigrant) b.
 - Person admitted to the U.S. as the child of a fiancé(e) of a U.S. citizen (K-2 nonimmigrant)
- III Widow(er) of a U.S. citizen: Widow or widower of a U.S. citizen and you were married to your U.S. citizen spouse at the time your spouse died
 - VAWA self-petitioner: victim of battery or extreme cruelty. Abused spouse of a U.S. citizen or lawful permanent resident
 - Abused child (unmarried and under 21 years old) of a U.S. citizen or lawful permanent resident
 - Abused parent of a U.S. citizen



2

EMPLOYMENT BASED GREEN CARD THROUGH EMPLOYMENT

Immigrant Worker

- A. Are a first preference immigrant worker, meaning you:
 - 1. Have extraordinary ability in the sciences, arts, education, business, or athletics, or
 - 2. Are an outstanding professor or researcher, or
 - 3. Are a multinational manager or executive who meets certain criteria.
- B. Are a second preference immigrant worker, meaning you:
 - 1. Are a member of a profession that requires an advanced degree, or
 - 2. Have exceptional ability in the sciences, arts, or business, or
 - 3. Are seeking a national interest waiver .
- C. Are a third preference immigrant worker, meaning you are:
 - A skilled worker (meaning your job requires a minimum of 2 years training or work experience), or
- D. A professional (meaning your job requires at least a U.S. bachelor's degree or a foreign equivalent and you are a member of the profession), or
- E. An unskilled worker (meaning you will perform unskilled labor requiring less than 2 years training or experience).

National Interest Waiver:

Visa that does not require applicant to go through labor certification process (it is said the labor certification process is "waived") thus called visa waiver. This visa generally allows applicant to obtain legal permanent status for the main applicant and derivative family members who are able to demonstrate that through their skills, experience and outstanding research, experiments, or findings they are able to substantially benefit the United States.



3

INVESTOR UNDER EB5

Green card generally available for investors, who invest at least \$900,000 in the US economy and can create 10 sources of job in the US for US citizens and permanent residents.



4

SPECIAL IMMIGRANT CATEGORY

1. Religious worker-Are a member of a religious denomination coming to the U.S. to work for a nonprofit religious organization.
2. Special Immigrant Juvenile-Are a child who has been abused, abandoned, or neglected by your parent and you have SIJ status.
3. Afghanistan or Iraqi national- Served as an Afghan or Iraqi translator for the U.S. government. Were employed by or for the U.S. government in Iraq on or after March 20, 2003, for at least one year.
4. Were an Afghan employed by the International Security Assistance Force (ISAF).
5. International broadcaster are coming to work in the U.S. as a member of the media.
6. Employee of an international -organization or family member or NATO-6 employee or family member - Are a retired officer or employee of certain international organizations, or NATO, and certain family members.



5

GREEN CARD FOR ASYLEES AND REFUGEES

- A Asylees: Applicant eligible to apply one year after asylum status has been granted.
- B Refugees: Applicant eligible to apply after refugee status has been granted.



6

GREEN CARD FOR VICTIMS OF CRIMES AND HUMAN TRAFFICKING

- A T Visa (Human Trafficking): If applicant obtained an approved T Visa status, applicant will be eligible to apply for their green card. Currently there is no backlog on these types of green cards based on T visa status.
- B U Visa (Victims of Qualifying crimes) If person is granted a U Visa, (This requires the applicant to have been a victim of a qualifying crime and received a certification (supplement B) from law enforcement or state attorney's office prosecuting the case) applicant, after receiving U visa status, depending visa bulletin for this type of applications may apply for a green card. Applicants need to be mindful that there are some waivers that need to be also filed with the application depending on each specific case).



7

GREEN CARD FOR VICTIMS OF ABUSE

- A VAWA self-petitioner: victim of battery or extreme cruelty.
 - The abused spouse of a U.S. citizen or lawful permanent resident.
 - The abused child (unmarried and under 21 years old) of a U.S. citizen or lawful permanent resident.
 - The abused parent of a U.S. citizen.
- B Special Immigrant Juvenile: Are a child who has been abused, abandoned, or neglected by your parent and you have SIJ status.
- C An abused (victim of battery or extreme cruelty) spouse or child under the Cuban Adjustment Act The abused spouse or child of a Cuban native or citizen.
- D An abused (victim of battery or extreme cruelty) spouse or child under Haitian Refugee.
- E Immigrant Fairness Act (HRIFA) The abused spouse or child of a lawful permanent resident who received his or her Green Card based on HRIFA.



8

GREEN CARD THROUGH OTHER CATEGORIES

Liberian Refugee Immigration Fairness (LRIF).

Are a Liberian national who has been continuously physically present in the United States since Nov. 20, 2014, or

Are the spouse, child under age 21, or unmarried son or daughter over the age of 21 of a qualifying Liberian national.

Diversity Immigrant Visa Program.

Were selected for a diversity visa in the Department of State's diversity visa lottery.

Cuban Adjustment Act

- Are a Cuban native or citizen, or
- Are the spouse or child of a Cuban native or citizen.
- An abused (victim of battery or extreme cruelty) spouse or child under the Cuban Adjustment Act.
- Are the abused spouse or child of a Cuban native or citizen.

Dependent status under the HRIFA.

Are the spouse or child of a lawful permanent resident who received his or her Green Card based on the Haitian Refugee Immigration Fairness Act (HRIFA).

An abused (victim of battery or extreme cruelty) spouse or child under HRIFA Are the abused spouse or child of a lawful permanent resident who received his or her Green Card based on HRIFA.

Lautenberg parolee.

Were paroled into the U.S. as a Lautenberg parolee

Indochinese Parole Adjustment Act of 2000

Are a native or citizen of Vietnam, Kampuchea (Cambodia), or Laos who was paroled into the U.S. on or before Oct. 1, 1997 from Vietnam under the Orderly Departure Program, a refugee camp in East Asia, or a displaced person camp administered by UNHCR in Thailand.

American Indian born in Canada.

Were born in Canada, possess at least 50% American Indian blood, and maintain your principal residence in the United States.

Person born in the United States to a foreign diplomat

Were born in the United States to a foreign diplomatic officer who was stationed in the U.S. when you were born.

Section 13 (diplomat).

Were stationed in the United States as a foreign diplomat or high ranking official and are unable to return home.



9

GREEN CARD THROUGH REGISTRY AND INA 245(I)

- A For eligible applicants who have resided in the US from at least January 1st, 1972.
- B 245(i) Adjustment (Generally involving applicants who were petition before April 2001 and have a current petition).





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