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HOW TO IMMIGRATE TO THE US

Camhi Campos
Immigration

Camhi Campos Immigration Group

We are an experienced group of professionals dedicated to guide and support qualified foreign investors, individuals/companies in their projects and needs to successfully immigrate into the United States. We lead our client's step by step in the complex world of immigration and naturalization law. Our services are boutique and highly personalized.

The immigration legal group is lead by Maria Campos Filliatreau, attorney licensed to practice law in Mexico, New York and in all US states and territories for immigration and naturalization law. Maria has an impeccable academic and professional background. She is a graduate of Cornell Law and of the Instituto Tecnológico Autónomo de Mexico ("ITAM"). Member of the American Immigration Lawyers Association.

Maria's over 20 years of experience in international business, transactional and corporate law provides instrumental value when supporting investment, business and employment visas with immigration authorities.

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Immigration

... Who we are

Our understanding of business in different sectors, along with our immigration knowledge set us apart from most immigration firms, as we provide our clients integral immigration strategies to better serve their business success. We work hand in hand with our corporate, tax, finance and related areas to provide clients effective services and cost saving professional fees.

Our clients are top companies and individuals with top credentials and ambitious projects in the United States. Maria has effectively represented clients in many industries, such as, architecture and design, automotive, airline, export/import, real estate, infrastructure, service, food, hospitality, among many others.

Our paralegals and support team are highly specialized. Our service is stellar.

Current Environment

Immigration laws, regulations and policies have changed dramatically from administration to administration. During President Biden administration, many policies have been reversed and many still are under administrative or judicial review. We see policy changes constantly. Staying on top of changes and updates is key for immigration success.

Covid-19 pandemic had a huge impact on processing times, and we have been dealing with delays and administrative obstacles. US immigration authorities are still struggling with backlogs, specially in many Embassies and Consulates around the world.

Immigration cases requires specialized and high-quality legal and administrative analysis to better serve your business needs.


Experience

We have vast experience with business/ employment/investment cases as we understand business needs, projections, corporate structures, financial and technical data in a vast array of sectors. We know how and what relevant information to collect and analyze to strongly and efficiently support cases with the immigration authorities. Among other cases, he have successfully represented:

1. Multinational companies and smaller enterprises with their L visas.
2. Multinational companies and new enterprises with their E visas.
3. International managers and executives and other qualified individuals in their adjustment of status to permanent residency (“Green Cards”).
4. Bringing TN professionals under the USMCA.
5. Individuals with their naturalization process to become a US citizens.

How to Immigrate

There are several ways to legally immigrate to the United States based on:



Family

Business / Employment

Investment

Note: we are only presenting the most popular forms of immigration and this presentation is not exhaustive.

Family Based

U.S. citizens may petition for their spouses, children, parents, sons and daughters, and siblings to immigrate to the United States and become permanent residents.

Permanent residents may petition for their spouses, children, and unmarried sons and daughters to become permanent residents.

Immediate Relatives: Spouses, parents, and children (unmarried, under 21 years of age) of U.S. citizens.

Family, 1st Preference: Unmarried sons and daughters (21 or older) of U.S. citizens.

Family, 2nd Preference: Spouses and children (unmarried, under 21 years of age) of permanent residents. Unmarried sons and daughters (21 or older) of permanent residents.

Family, 3rd Preference: Married sons and daughters (21 or older) of U.S. citizens.

Family, 4th Preference: Brothers and sisters of U.S. citizens.

Employment/Business Based

We will address the most popular categories

E Visas

L Visas

H Visas

TN Visas

O Visas

E visas

E-1/E-2 Treaty Traders or Investors

Treaties between the United States and certain other countries allow nationals of those countries to come here to develop and direct an investment in the United States or to conduct trade with the United States. A treaty trader must conduct “substantial” trade between the treaty country and the United States. A treaty investor must make a “substantial” investment in the United States. There is no limit on the period of stay in treaty investor or treaty trader status, as long as the investment or trade continues.

L visas

- **L-1 Intracompany Transferees**

- The L-1 visa allows companies to transfer executives, managers, or specialized knowledge employees to the company's U.S. branch, subsidiary, or affiliate.
- The L-1 can also be used to open a new office in the United States. The employee being transferred must have been employed abroad as an executive, manager, or specialized knowledge employee for at least one year within the previous three years and be coming to the U.S. to work in an executive, managerial, or specialized knowledge capacity, but does not have to do the same work in the United States that he or she was doing abroad.
- Executives and managers (L-1A) are eligible to stay in the U.S. for up to seven years. Specialized knowledge employees (L-1B) are eligible to stay in the U.S. for up to five years. Executives and managers may be eligible to apply for permanent residency after one year in L-1A classification.

H visa

H-1B Specialty Occupations (Professionals)

The H-1B visa requires a job offer from a United States employer for a position that requires a bachelor's degree or higher in a "specialty occupation." Specialty occupations include positions in the fields of computer science, architecture, engineering, mathematics, physical sciences, social sciences, medicine, business specialties, accounting, law, the arts, and many teaching positions. You may have the equivalent of a college degree based on a combination of education and work experience. The U.S. employer must pay the prevailing wage for the position. H-1B status is available for a total of six years.

O visa

O-1 Extraordinary Ability Workers

This classification is for foreign nationals with extraordinary ability in the sciences, arts, education, business, or athletics, as demonstrated by sustained national or international acclaim. These persons have risen to the very top in their field, and there must be extensive documentation recognizing their achievements. They must continue to work in their area of extraordinary ability in the U.S., but their work in the U.S. does not have to be at a level requiring extraordinary ability.

TN visa

TN NAFTA (USCMA) Professionals

Under the USCMA (before North American Free Trade Agreement-NAFTA), nationals of Canada and Mexico may come to the U.S. to engage in business activities at a professional level for a U.S. entity. The eligible professionals are listed in the USCMA treaty, and include accountants, engineers, graphic designers, hotel managers, lawyers, management consultants, dietitians, occupational therapists, pharmacists, physicians, nurses, biologists, meteorologists, physicists, or teachers.

Investment – EB5

Investor / Employment Creation

Foreign nationals who invest, or are actively in the process of investing, \$1,050,000 (US\$) in a new commercial enterprise in the United States, or \$800,000 (US\$) in certain targeted employment areas, are eligible for permanent residency in this category. The commercial enterprise must create a certain number of full-time jobs for U.S. citizens, permanent residents, or other foreign nationals authorized to be employed. No labor certification is required.

Pathways to Permanent Residency

Employment based immigrant visas: There are pathways to permanent residency (commonly known as “Green Cards”):

- **EB-1 Category**: Foreign Nationals of Extraordinary Ability; Multinational Executives and Managers. Outstanding Professors and Researchers.
- **EB-2 Category (2nd Preference)**: Professionals with Advanced Degrees; Exceptional Ability in the Sciences, Arts, or Business.
- **EB-3 Category (3rd Preference)**: Professionals; Skilled Workers; Unskilled Workers.
- **EB-4 Category (4th Preference)**: Special Immigrant Religious Workers
- **EB-5 Category (4th Preference)**: Discussed on prior slide.

Final Word of Advice

Each case is unique, and we strongly recommend that you seek the counsel of a qualified Immigration and Naturalization attorney to evaluate your circumstances and the legal strategy to follow.

The content of this presentation is for information purposes only. In no way or form represents legal consultation, legal advice or counsel. The information contained herein may change constantly. The reader is responsible for any misuse of this information.

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Authorized to practice Immigration and Naturalization Law in all 50 states and territories pursuant to 8 USC1292.1.
Licensed to practice law in New York. Practice in Florida limited to Immigration and Naturalization Law.