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Indians face longer wait for GREEN CARD

► What got you started in the immigration field?

I got into immigration law because a lot of my friends needed immigration advice, and I truly got interested in the field because I could help people.

► What are the essential criteria for someone to get a speedy Green Card?

The term speedy Green Card is an oxymoron. Even though the labour certification procedure

— the first step towards the Green Card — has become quicker, there are huge backlogs in the employment-based immigrant visa categories for India. The employment-based third preference for India is backlogged by several years today. Thus, even after labour certification approval, the wait for the Green Card could take many years.

► Which category of people (their profession) does the US prefer?

Current immigration policy seems to favour professional and skilled people over others. The more advanced your degree, the better are your chances of getting a Green Card more rapidly and even an H-1B visa despite the 65,000 quota.

► What is the most common hitch that Indians face while trying for a Green Card?

The quotas for India are more backlogged than any other country due to the excess demand. Congress has not expanded the employment-based immigrant quotas for India. Thus, Indians face longer wait than most other nationals.

► How long can you continue to stay in the US with an H-1-B visa?

The statutory limit is six years. If the Green Card application is filed before the completion of the

New York-based immigration attorney **Cyrus Mehta** is not just another lawyer from Mumbai minting money in the US.

He is an NRI who helps others set up homes in the US. He is the chairman of the US Immigration Law Foundation and the secretary of the NY City Bar Association. He shares with Chandreyee Ghose tips on getting a speedy Green Card.

5th year, one can extend into the seventh year and beyond till the Green Card is finalised.

► How soon can one bring his family if he has just an H-1-B visa?

The spouse and dependant minor children can accompany the H-1-B visa holder at the same time. When one gets a Green Card, it takes several years for the spouse and child to join the Green Card holder. It is thus better to marry prior to getting a Green Card.

► What is the govt's policy towards Indian immigrants? Are they looked down upon and subjected to discrimination?

The US does not have any special policy towards Indian immigrants. However, the fear of losing jobs in America to outsourcing in India has resulted in a very low H-1-B cap of only 65,000 plus a few exempt categories. This is a misnomer. Increasing the H-1-B quota is a win-win for America, India and other countries. Some in the US Congress are trying to also attack the intra-company transferee L-1 visa but are yet to be successful.

► How many Indians and folks from Andhra Pradesh come to you every month with green card applications?

We do have a large amount of clients from AP, both companies and individuals.

► Anything else that you would like to share?

At present, there are also 11 million undocumented immigrants in the US who are also an integral part of the economy. There is a push to legalise their status and to also fix a broken immigration system by allowing additional channels for work visas and Green Cards. Unfortunately, there is also an anti-immigration lobby, which is very powerful, that is trying to penalise illegal status and deporting the undocumented. It remains to be seen which side wins. I do hope that the legalisation lobby wins. It will be impossible and extremely expensive to deport 11 million people, resulting in the bankrupting of the economy. Only the airlines would gain! One of the biggest causes of illegal immigration is the limited opportunities to get Green Cards, either through family or employment sponsorship. There are also very few options for essential workers. Expanding the opportunities to legally work in the US, reunite with family and get Green Cards will reduce illegal immigration.



Cyrus Mehta