

GENERAL INFORMATION FOR APPLICANTS FOR IMMIGRANT VISAS

I. STEPS TO BE TAKEN IN APPLYING FOR IMMIGRANT VISAS

- Certain applicants can petition on their own behalf. All other intending immigrants must file through a relative or potential employer.
- Applicants for family-sponsored immigrant visas must file a petition (Form I-130) through their relative with the appropriate office of the Immigration and Naturalization Service (INS). In some cases, if the relative sponsor is residing abroad, the petition may be filed with an Immigration Service Officer or a U.S. Consular Officer at an American Embassy or Consulate.
- Applicants for employment-based immigrant visas require an approved petition (Form I-140) from the INS in the United States. Priority Workers (EB1) may petition on their own behalf with the INS, while others must file through their prospective employers. Prior to filing a petition with INS, most applicants for classification as Members of the Professions (EB2), or Professionals, Skilled and Unskilled Workers (EB3), must obtain Labor Certifications from the Department of Labor.
- Returning Residents and United States government employees must apply to the Secretary of State through a United States consular office abroad. All other Special Immigrants (EB4) must file a Form I-360 petition with an office of the U.S. Immigration and Naturalization Service.
- Investors (EB5) must file a Form I-526 petition with the Immigration and Naturalization Service.
- Diversity Immigrants (“Visa Lottery”) must file an application with the Secretary of State. Provisions for submission of registration applications will be announced by the Department of State in advance of each year's application period.

II. PERSONS INELIGIBLE TO RECEIVE IMMIGRANT VISAS

- The immigration laws of the United States, in order to protect the health, welfare and security of the United States, prohibit the issuance of an immigrant visa to certain applicants. Examples of applicants who must be refused visas are those who (1) have a communicable disease such as tuberculosis, or have a dangerous physical or mental disorder, or are drug addicts; (2) have committed serious criminal acts, including crimes involving moral turpitude, drug trafficking, and prostitution or procuring; (3) are terrorists, subversives, members of a totalitarian party or former Nazi war criminals; (4) are likely to become public charges in the United States; (5) have used fraud or other illegal means to enter the United States; (6) are permanently ineligible for citizenship; (7) have been previously removed, or have exceeded certain periods of unlawful presence; or (8) are former J nonimmigrant exchange visitors subject to the 2 year foreign residence requirement and have not yet complied with that requirement or obtained a waiver.

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