

Pathways to Permanent Residency

Romina Gomez | Carolina Ribas

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Romina Gomez

Senior Associate

Romina Gomez is a Senior Associate with the Firm's Philadelphia office and works with both corporate and individual clients on a wide range of business and family-based immigration matters. She has worked in immigration law for over fifteen years.

As a child of monolingual immigrant parents, Romina learned to become an advocate for those trying to navigate unfamiliar and often confusing systems and agencies. She now uses these advocacy skills to guide corporate clients in their efforts to hire and retain quality individuals from the initial consultation to throughout the green card process.

Prior to joining Klasko Immigration Law Partners, Romina had her own practice based in Philadelphia and provided legal services to corporate clients and individuals on a variety of nonimmigrant and immigrant options, including applications for E, H-1B, TN, L-1, labor certifications, and immigrant petitions. She also has experience with marriage and family-based immigration, naturalization, and humanitarian visas, including VAWA applications for abused spouses and U visas for victims of crimes.

Romina received her Bachelor of Arts degree in Mathematics from Bryn Mawr College and earned her J.D. from Temple University, Beasley School of Law.



Carolina Ribas

Associate

Carolina Ribas is an associate in the firm's Philadelphia office and focuses her practice primarily on employment-based immigration for multinational corporations and their sponsored employees. She is passionate about the skill-sharing that global knowledge can encourage and how it drives innovation, growth, and diversity.

Carolina represents multinational corporations, startups, small companies, executives, specialists, artists, and many more. She loves interacting with and helping people from all walks of life find stability, happiness, and growth. She takes pride in providing guidance, support, and encouragement to her clients as they struggle to navigate U.S. immigration laws. Carolina also handles various types of immigration cases including family-based immigration, U-visas, and Violence Against Women applications.

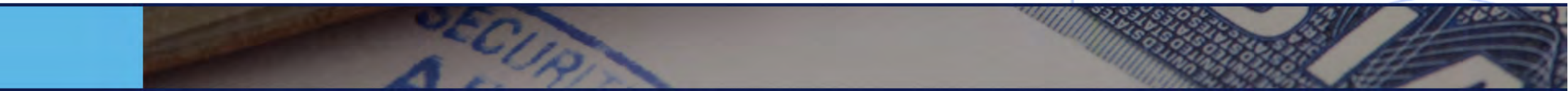
Carolina is drawn to immigration law because she watched her parents work hard to build a new life and assimilate to a new culture, and at the same time, navigate the complex U.S. immigration laws. She wanted to dedicate her career to helping families stay together, build their best lives, and facilitate the movement of people and knowledge throughout the world.

Carolina received her bachelor's degree in Political Science, Spanish, and Italian from the University of Delaware. She attended Widener University School of Law on a full scholarship. She graduated cum laude and is now admitted to practice law in Delaware and New Jersey. In addition, she is also admitted to the U.S. District Court for the District of New Jersey. She is an active member of the Philadelphia Chapter of the American Immigration Lawyers Association (AILA). Carolina speaks Portuguese, Spanish, Valencian, English, and has advanced comprehension of Italian.



What is Permanent Residency?

- Authorization to Live & Work Indefinitely in the United States
- “Immigrant Visa”
- The “**Green Card**” or “Form I-551”
- Not always ‘forever’ – may be abandoned or taken away
- Can take 18-36 months to obtain just with processing delays; visa quotas extend the process to 10+ years for applicants from India



Permanent Resident Status

- Family
- Investment
- Asylum
- Lottery
- Employment




Permanent Resident Status Employment

- Employer-sponsored or self-sponsored
- Multiple petitions
- Quotas
 - Visa Bulletin (www.travel.state.gov)
 - Per country limit – 7% currently
 - Country of birth
 - Cross-chargeability
 - Allocated by:
 - Priority date – place in line
 - Preference category – EB-1, EB-2, EB-3, etc.



Permanent Resident Status Employment *(cont'd)*

- Preference Categories
 - EB-1
 - Generally, no quota wait, except sometimes China and India
 - EB-2
 - National interest waiver/Physician National Interest Waiver
 - Labor certification requiring a master's degree OR a bachelor's degree plus 5 years of progressive experience
 - Quota waits vary. Longer wait for China and India
 - EB-3
 - Labor certification requiring bachelor's or 2 years experience
 - Quota wait for India, China, and Philippines
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Permanent Resident Status Employment *(cont'd)*

- Self-Sponsored
 - Extraordinary ability
 - EB-1
 - Standard
 - National or international reputation
 - “One of few at the top of peers”
 - Key is defining field of expertise specifically
 - Extensive documentation required
 - Reference letters critical



Permanent Resident Status Employment *(cont'd)*

- National Interest Waiver (NIW)
 - EB-2
 - Standard
 - Exceptional ability or advanced degree
 - Substantial merit
 - National interest
 - Extensive documentation required
 - Reference letters critical



Permanent Resident Status Employment *(cont'd)*

- Physician National Interest Waiver (NIW) – EB-2
 - Requirements
 - 5-year commitment to work full time in HPSA
 - Can use J-1 waiver service towards 5 years
 - Time in residency and fellowship does not count
 - Need PA DOH support
 - Can be employer or self sponsored
 - May concurrently file I-140 and I-485 if eligible.
 - AOS will not be adjudicated until 5 year service is complete



Permanent Resident Status Employment *(cont'd)*

- Employer-Sponsored
 - Outstanding Researcher
 - EB-1
 - Standard
 - “Permanent position”
 - International recognition
 - 3 years of teaching/research experience
 - Extensive documentation required
 - Reference letters critical



Permanent Resident Status Employment *(cont'd)*

- Evaluating Eligibility

- CV Evaluation
- Authorship
 - 1st author publications
 - Evidence of contribution if not 1st author
 - In process; submitted; accepted; published; cited
 - Book chapters, editor's notes, review articles, conference pubs
- Citations
 - Footnote v. discussion
- Presentations
- Peer review



Permanent Resident Status Employment *(cont'd)*

- Evaluating Eligibility
 - Importance/narrowness of field of expertise
 - Ability to explain importance
 - Significance
 - Increasingly important for all criteria, not just contributions
 - Impact on field and other researchers
 - Why YOU?
 - Referees



Permanent Resident Status Employment *(cont'd)*

- Choosing Referees
 - How many?
 - Good CVs
 - Prestigious institutions
 - Diversity
 - Geographic
 - Institutional
 - Impartiality/independence



Permanent Resident Status Employment *(cont'd)*

- Labor Certification Application (PERM)
 - Employer sponsored
 - Prevailing wage – position & location specific
 - Test the labor market to determine if there are any minimally qualified U.S. workers who are interested in the position
 - Very regimented process lasting about 12-18 months
 - A lot of involvement by HR/Manager/Recruiters
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Permanent Resident Status Employment *(cont'd)*

- Labor Certification Application (PERM)
 - 4 Part Process
 - 1. Define requirements
 - 2. Prevailing wage
 - 3. Recruitment
 - 4. Labor Certification




Permanent Resident Status Employment *(cont'd)*

- Labor Certification Application (PERM)
 - Defining Requirements
 - Minimum education required
 - Years of employment experience
 - Skills and/or training



Permanent Resident Status Employment *(cont'd)*

- Labor Certification Application (PERM)
 - The foreign national must be able to document possession of the skill before joining the employer. The most common form of such documentation is a letter from the HR representative or supervisor of the foreign national's prior employer.
 - The education, experience and/or training, and skill sets will be used in the recruitment efforts conducted in connection with the application for labor certification and will be used to assess whether any U.S. worker is qualified for this position.
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Permanent Resident Status Employment *(cont'd)*

- Labor Certification Application (PERM)
 - Prevailing wage
 - Requested from the Department of Labor
 - Department of Labor issues prevailing wage determination within 6 months



Permanent Resident Status Employment *(cont'd)*

- Labor Certification Application (PERM)
 - Recruitment
 - Position must be advertised in compliance with regulations
 - Employer must assess all applicants
 - Foreign national cannot be involved in this process
 - Several months



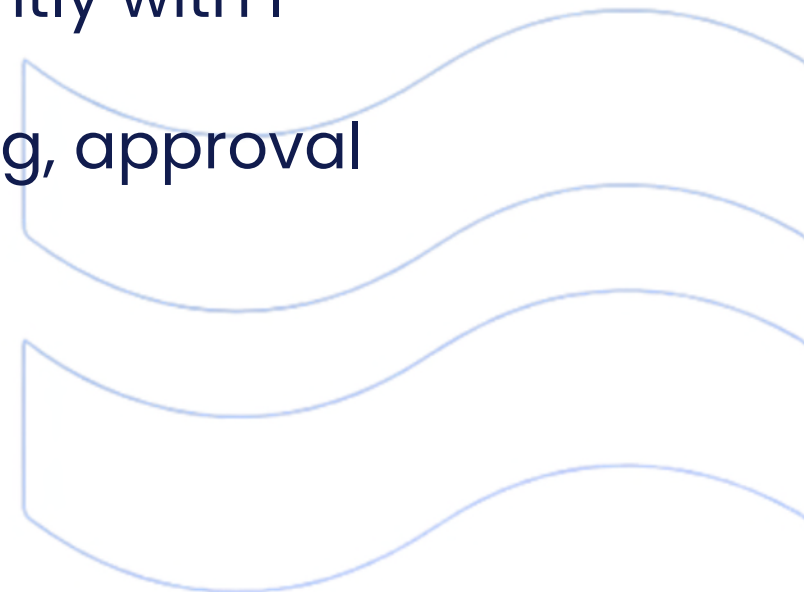
Permanent Resident Status Employment *(cont'd)*

- Labor Certification Application (PERM)
 - Labor Certification Application
 - No qualified U.S. workers identified
 - File application with Department of Labor
 - Processing time



Permanent Resident Status Employment *(cont'd)*

- I-140 Petition
 - 1st step for EB-1 and national interest waiver
 - 2nd step for PERM
 - Employee documents education and experience
 - If adjustment of status, file concurrently with I-485 if quota current
 - If consular immigrant visa processing, approval sent to National Visa Center



Permanent Resident Status Employment *(cont'd)*

- I-485 (Application for Adjustment of Status to Permanent Resident)
 - Cannot file until quota is current
 - Importance of filing
 - Do not need to maintain visa status
 - Can file for spouse and child
 - Can get Employment Authorization Document (EAD) and Advance Parole
 - Portability
 - I-140 approved, I-485 pending, similar occupation



2024 Considerations

- PERM Processing Delays
- Retrogressions
 - EB-1 India/China
 - EB-2 Worldwide
- Ongoing Consular Delays & Travel Issues

Questions?



For Further Information



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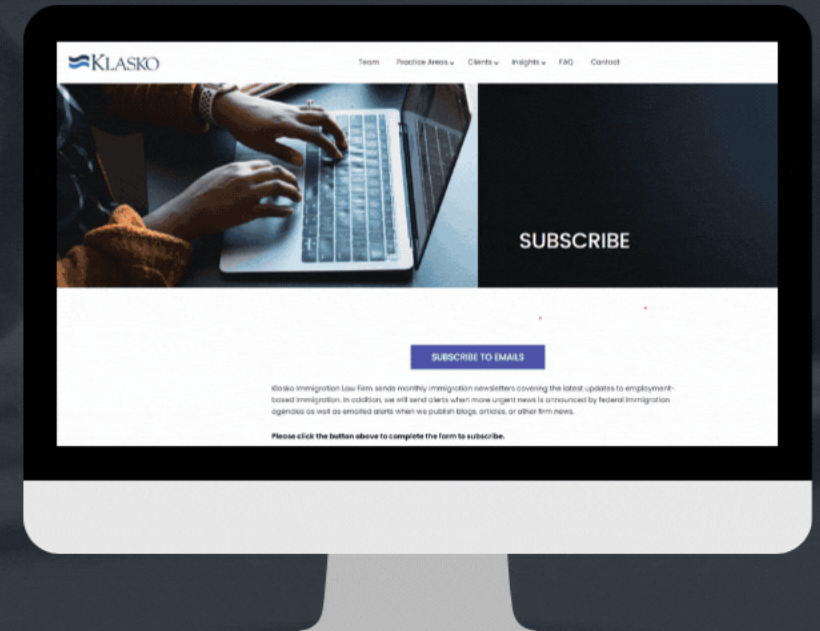
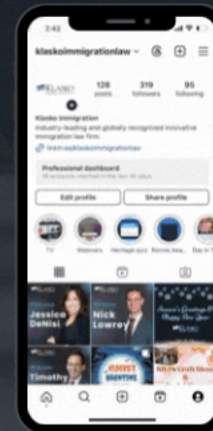
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REQUEST: Romina or Carolina



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