

Easy Way for Executives and Managers to Get Green Cards

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What is the fastest way for a businessman to get a green card? The most obvious way of course is investing one million dollars in a new commercial enterprise which will create ten full time jobs. Since there is no backlog under the fifth preference category, the group under which such businessman shall be categorized, a green card may be obtained within a few months.

For businessmen who are managers or executives of their own companies, or others who are managers or executives of multinational companies, there is another alternative which may yet be explored. It is less well-known but the procedure and the processing period are as quick and relatively hassle-free because a labor certification is not required and visa numbers are currently available. If you are an executive or a manager of a multinational firm, your firm may work out something with regard to obtaining a green card for you. There are four conditions that should be met. They are:

1). A US company and a foreign business operation. The two must have a parent/subsidiary relationship or an affiliate relationship or must be a branch office of the other.

A parent-subsiary relationship exists if one company owns at least 50 per cent of the other and controls it or owns 50 per cent and has equal control and has veto power; or owns less than 50 per cent but in fact controls it.

Two companies are affiliates if they are owned and controlled by the same parent or individual; or they are owned and controlled by the same group or individual, each individual owning and controlling approximately the same share or proportion of each entity.

2). The transfer of the employee applicant from the foreign company to the US operation. If one company is a "new office", it must be able to support a managerial or executive position within one year of the filing of the petition. The petition is required to show the organizational structure and financial goals of the intended US operation and the organizational structure of the foreign entity.

3). Prior employment of applicant in the foreign office. The applicant must have been employed by the foreign entity (or affiliate or subsidiary) for over three years preceding the alien's application. However, if the alien is already in the US, the employment must have been for one out of the last three years prior to the US. Thus if the qualifying employment happened more than three years before his entry into the US, he is still qualified provided he is now working under a non immigrant status for the same employer or affiliate.

4). Managerial or Executive Position. The applicant must either be a manager or executive. A manager is one that performs the following: a) Manage the organization or a department, subdivision, function or component of the organization; b) supervise and control the work of other supervisory, professional or managerial employees, or manage an essential function; c) have the authority to execute or recommend personnel actions at a senior level; and d) exercise discretion over day to day operations of the activity or function.

As an executive of a company, the following responsibilities or qualifications must be met: 1). Direct the management of the organization or a major component or function of it; 2) establish the goals and policies of the organization, component or function; 3). exercise wide latitude in discretionary decision-making; and 4). receive only general supervision or direction from higher level executives, the directors or stockholders.