



MVP LAW GROUP, P.A.  
BUSINESS IMMIGRATION

We are an innovative law firm that represents businesses and individuals within the United States and throughout the world in the area of US business immigration law. Conveniently located in the suburbs of the Washington, DC metropolitan area, our business immigration law firm serves clients throughout the United States. The MVP Law Group prides itself on its superior

The MVP Law Group is dedicated to providing clients with the highest-quality legal services.

client service, technical expertise, high-quality work, years of experience with a concentration in business immigration law, strict personal/professional ethics, and creative problem-solving ability. Immigration is a very complex and variable area of law. For this reason, it is important that business owners seek knowledgeable legal counsel before initiating immigration matters for their employees or future employees. At the MVP Law Group, we boast an exceptionally high approval rating on all cases filed. We believe in keeping caseloads at a manageable size, thereby giving each client the attention and concern they deserve, and allowing our staff to prepare cases in a proactive and efficient manner. We provide high-quality legal services by placing a premium on flexibility, state-of-the-art technology, personal integrity and a philosophy in which the client's needs are paramount.



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The MVP Law Group is dedicated to providing clients with the highest-quality legal services.

- By constantly attending seminars and continuing legal education (CLE) courses, our legal team is always up to date with the latest trends in business immigration law, statutes, regulations, case law and policy.
- We understand that peace of mind is important to our clients. Therefore we maintain regular contact with our clients regarding their specific cases and respond to any queries as quickly as possible.
- Our firm handles all aspects of our clients' business immigration law case.
- We prepare and compile all the necessary documents according to governmental agency and immigration law guidelines.
- We provide clients with detailed checklists for all the documentation that they need to provide.
- We walk our clients through the case filing process and offer accurate time-frames and estimates for filings.
- We handle all our clients' interactions with governmental agency personnel.



## Non-Immigrant Visas

The non-immigrant visa classification covers a broad range of visas used to enter the United States for work, pleasure or study. Some visas are considered "dual status"; you may attempt to obtain permanent residency, (a green card) while under that classification. Most non-immigrant visas, however, require you establish non-immigrant intent. Therefore, in such cases one must demonstrate that they have a permanent residence in their home country that they have no intention of abandoning. The duration of time that a beneficiary of a non-immigrant visa may spend in the U.S. can range from a few days to several years, depending on the visa. In most situations, the beneficiary's spouse and unmarried children under the age of 21 may accompany them on a derivative visa.

The specific non-immigrant visas for employment purposes are diverse and have varying requirements. The following is a list of non-immigrant visas that the MVP Law Group handles:

### H-1B Visa

H-1B visa regulations are constantly changing. Therefore, applicants seriously considering this category as a means of working in the United States on a temporary basis should stay informed and updated as much as possible.

The H-1B visa allows foreign workers to enter the US and work in a variety of fields ranging from architecture and engineering to health and medicine. The H-1B visa offers a wide range of employment possibilities and is a logical first step toward permanent immigration.

In order to qualify for H-1B classification, the applicant must have at least a US bachelors degree or its equivalent AND the job sought must require at least a bachelors degree or its equivalent. Because this is not a self-petitioning category, the applicant must have a sponsoring employer in the US.

The spouse and unmarried children below the age of 21 are allowed to accompany or join the H-1B worker as H-4 dependents. However, they cannot work unless they qualify for a work visa. H-4 dependents can enroll and attend schools in the US without obtaining a student visa.





## E-1 Visa

The E-1 Visa is issued to individuals known as "treaty traders". A treaty trader is a national of a country with which the United States maintains a treaty of commerce and navigation. An individual applying for the E-1 visa should be coming to the United States to carry on substantial trade, or to develop and direct the operations of a business in which they have invested or will soon invest a substantial amount of capital. Additionally, the individual must also be a national of a treaty country and must be involved in international trade. The individual's spouse and children may join him/her under the same status. The individual's employees, or the employees of his/her treaty company, may also receive E-1 visas.

## E-2 Visa

The E-2 visa is issued to individuals known as "treaty investors". A treaty investor is a national of a country with which the United States maintains a treaty of commerce and navigation. A treaty investor should be coming to the United States to involve themselves in a substantial investment. The investment may be less than that demanded for the EB-5 (\$500,000). However, if the investment becomes equal or greater than \$500,000, the treaty investor may petition for permanent immigration status. The treaty investor's spouse and/or children under the age of 21 may accompany him/her under E-2 status. The treaty investor's employees may also be eligible for the E-2 Visa.

## E-3 Visa for Australian Professionals

The U.S. Department of State (DOS) issued a Final Rule effective September 2, 2005 that created a new E-3 visa classification. The E-3 visa is limited to 10,500 Australian nationals annually. E-3 principal nonimmigrant aliens must be coming to the United States solely to perform services in a "specialty occupation". This category has requirements with respect to the education of the beneficiary and the job duties to be performed which mirror the H-1B requirements. Therefore, this category is an alternative in some situations where the H1B otherwise would be the logical category.

## H-2A Visa

The H-2A visa is the most functional of visa categories. It fills a specific need for the US and for foreign nationals. The visa allows foreign workers entry to the US to work in agriculture. Truthfully, the visa hasn't garnered much support in the community. Growers don't like the limits of the visa and advocates don't believe the laws give enough support to workers. The H-2A visa is not self-petitioned. Employers must apply on behalf of their employees. The employer can be self-employed, a partnership, corporation or agricultural association. An agent may also apply on behalf of the employer. Workers' spouses and unmarried children under the age of 21 are allowed to join them in the US under the H-4 status. Dependents are not permitted to work, unless they personally qualify for a work visa.

## H-2B Visa

While only a few H-2B visas are issued each year, the visa is nonetheless useful. The H-2B visa enables US businesses and agents to fill temporary needs for nonimmigrant workers. Many individuals unable to obtain an O or P visa may apply for this visa. However, medical graduates are not allowed to apply for this visa. The visa is not self-petitioned, which means you will need an employer to sponsor you. Your spouse and unmarried children under the age of 21 are allowed to join you in the US under the H-4 status. Dependents are not permitted to work, unless they personally qualify for a work visa.

## H-3 Visa

The H-3 Visa is specifically designed to enable you to train in the US in almost any discipline. USCIS calls this loose classification, "any field of endeavor". This includes agriculture, technology, communications and governmental leadership. This loose classification does not include people seeking graduate medical training. Nurses and medical students on vacation, however, may be eligible for the H-3 Visa. Your spouse and unmarried children under the age of 21 are allowed to join you in the US under the H-4 status. Family members are not permitted to work while in the U.S.





## I-Visa

The I-visa is a vital tool in a global system, where news and cultures are shared and dispatched across national lines. The I-visa is available to media employees including reporters, freelance journalists and film crew members; mainstream filmmakers are not eligible for this status. I-visas are available to persons only to work for a foreign media outlet, or a US-based subsidiary of a foreign media company. Your spouse and unmarried children under the age of 21 may be eligible for a derivative I status. Your employer must offer a letter detailing your position. I-visas, however, are not available to fiances. If your spouse or children wish to visit you in the US, they may choose to apply for a B-2 visa. They may also be eligible to travel under the Visa Waiver Program.

## L-1 Visa

Businesses that function both in the United States and in their home country gain the benefits of the best of both areas. The L-1 visa is open to international organizations with offices in the US, and who transfer employees to the US office for temporary periods of time. This visa is sometimes referred to as the 'intra-company transferee' visa. To obtain an L-1 visa, you must be able to prove that you have worked for the non-US company for at least one full year within the last three years as an executive, manager or employee with specialized knowledge. The L-1 visa enables the transfer of managers, executives and specialized knowledge personnel to a US office, subsidiary or affiliated company. This visa comes in the following categories: 1.) L-1A visas - for executives and managers 2.) L-1B visas - for personnel with specialized knowledge. Your spouse and unmarried children under the age of 21 are allowed to join you in the US, under L-2 status. Servants may be eligible for a B-1 visa with work authorization.

## R-1 Visa

The R-1 Visa enables religious workers to temporarily enter the United States. A religious vocation is defined as a calling to religious life, shown by a demonstration of a lifelong commitment; for instance, taking vows. Nuns, monks, and religious brothers and sisters are examples of religious workers. A religious occupation is defined as a continual engagement in an activity related to a traditional religious function. This definition includes liturgical workers, religious instructors or cantors, catechists, workers in religious hospitals, missionaries, religious translators and religious broadcasters. However, it doesn't include janitors, maintenance workers, clerks, fund raisers or solicitors of donations. Your spouse and/or unmarried children under 21 years of age may be granted derivative status to enter the US. They are not authorized to work while in the US, but may attend schools or colleges.

## O-1 Visa

The O-1 visa is for outstanding individuals. The visa enables people with extraordinary ability in the sciences, arts, education, business, athletics, motion picture or television industry to enter the US for temporary periods of time. USCIS loosely defines this category, and the spectrum of eligible individuals also includes chefs, carpenters and lecturers. To be considered an outstanding individual, you should be highly regarded in your field, and can only work in the US in that area of expertise. Your spouse and unmarried children under the age of 21 may join you in the US under O-3 status. While they may not work while in the US, family members can attend school.

## O-2 Visa

O-2 visas are offered to support personnel of O-1 Visa holders in the fields of athletics, entertainment, motion picture and television production. This status is not applicable to personnel in the sciences, business or education. Your spouse and unmarried children under the age of 21 are permitted to accompany you to the United States, under an O-3 status. The petitioner should file a petition on their behalf. Your dependents must prove immediate relation to you. They may not work with a O-3 Visa, but may attend school or college.





## P-1 Visa

Artists and athletes are an essential portion of healthy cultural exchange. The global community benefits greatly from the work of each country's greatest thinkers and performers. P-1 visas are issued to entertainers, circus artists, and athletes who wish to work in the US. Outstanding athletes may apply for this visa in order to compete in the US, either as individuals or as members of an internationally recognized athletic team. Entertainment groups with an outstanding international reputation can be granted P-1 classification as a unit; however individual entertainers within these groups cannot apply for separate visas. Your spouse and unmarried children under the age of 21 are permitted to accompany you to the United States, under a P-4 status. P-4 visa holders are not allowed to work, but may attend schools or colleges. Servants of a P-1 visa holder may receive a B-1 visa with work authorization.

## P-2 Visa

The P-2 visa is appropriate for artists, entertainers and entertainment troupes or bands entering the United States through a government recognized reciprocal exchange program. There should be two organizations involved in this exchange program: one in the United States and one abroad. Spouses and children of the P-2 visa holder may obtain a P-4 visa to enter and remain in the US. The P-4 visa holders are not allowed to work in the US, but may attend school.

## TN Visa

Under the North American Free Trade Agreement (NAFTA), certain citizens of Canada and Mexico are eligible to enter the U.S. under the nonimmigrant TN status. The TN Visa enables Canadian and Mexican citizens to temporarily work in US in a NAFTA-approved professional occupation.

## Employment Based Immigrant Visas

The Immigration and Nationality Act (INA) provides a yearly minimum of 140,000 employment-based immigrant visas (green cards) which are divided into five preference categories. They may require a labor certification from the U.S. Department of Labor (DOL), and the filing of a petition with the United States Citizenship and Immigration Services (USCIS) in the Department of Homeland Security. The MVP Law Group can process any employment-based immigration application or petition, whether it is on behalf of the petitioning employer or a self-petitioning individual. We carefully analyze each case and make case specific recommendations on the most appropriate avenue to pursue. We then prepare and compile all the necessary documents according to governmental agency and immigration law guidelines and walk our clients through the entire immigration process. The following is a list of employment-based immigration services that the MVP Law Group offers:



## PERM (Program Electronic Review Management)

To start most employment-based permanent residency cases, employers must go through the **Labor Certification** process. The goal of the labor certification process is to demonstrate to the U.S. government that there are insufficient U.S. workers in the local labor market to warrant the hiring of a foreign worker for a specific position. The employer tests the labor market via advertising and other competitive recruitment. As of March 28, 2005, the US Department of Labor accepts labor certification applications via the PERM process. Under the PERM process, recruitment is conducted prior to filing the labor certification application. Recruitment includes two Sunday print advertisements and a job order with the State Work Force Agency. For most professional occupations further forms of recruitment such as job search websites, postings on company websites, employee referral programs, and etc. are required. Once the recruitment campaign is complete, an Audit File is created that includes the evidence of recruitment as well as information on the company's existence, ability to pay, and the credentials of the foreign national. A PERM case is generally submitted to the DOL electronically. A decision takes an average of 45-60 days. After labor certification approval, the employer files an Immigrant Petition for Foreign Worker (Form I-140) with the USCIS.



## EB-1 Priority Workers

Employees that fall within the employment-based 1st preference category (EB-1) are categorized as Priority Workers. Priority Workers receive 28.6 percent of the yearly worldwide limit on employment-based immigrant visas. All Priority Workers must be the beneficiaries of an approved Form I- 140, Immigrant Petition for Foreign Worker, filed with the USCIS. Within this preference there are three sub-groups:

1. Persons of extraordinary ability in the sciences, arts, education, business, or athletics. Applicants in this category must have extensive documentation showing sustained national or international acclaim and recognition in the field of expertise. Such applicants do not have to have a specific job offer so long as they are entering the U.S. to continue work in the field in which they have extraordinary ability. Such applicants can file their own petition with the USCIS, rather than through an employer;
2. Outstanding professors and researchers with at least three years experience in teaching or research, who are recognized internationally. No labor certification is required for this classification, but the prospective employer must provide a job offer and file a petition with the USCIS; and
3. Certain executives and managers who have been employed at least one of the three preceding years by the overseas affiliate, parent, subsidiary, or branch of the U.S. employer. The applicant must be coming to work in a managerial or executive capacity. No labor certification is required for this classification, but the prospective employer must provide a job offer and file a I-140 petition with the USCIS.



## EB-2 Professionals

Employees holding advanced degrees or persons of exceptional ability in the arts, science, or business can qualify for the employment-based 2nd preference category (EB-2). The EB-2 category receives 28.6 percent of the yearly worldwide limit of employment-based immigrant visas, plus any unused employment 1st preference visas. All 2nd preference applicants must have a labor certification approved by the DOL, or Schedule A designation, or establish that they qualify for one of the shortage occupations in the Labor Market Information Pilot Program. A job offer is required and the U.S. employer must file an I-140 Immigrant Petition for Foreign Worker on behalf of the applicant. Foreign workers may apply for exemption from the job offer and labor certification if the exemption would be in the national interest, in which case the foreign worker may file the petition, Form I-140, along with evidence of the national interest. There are two subgroups within this category:

1. Professionals holding an advanced degree (beyond a baccalaureate degree), or a baccalaureate degree and at least five years progressive experience in the profession; and
2. Persons with exceptional ability in the arts, sciences, or business. Exceptional ability means having a degree of expertise significantly above that ordinarily encountered within the field.



## EB-3 Skilled/Professional Workers

Employees who are skilled workers, professionals holding baccalaureate degrees or other workers qualify for the employment-based 3rd preference category (EB-3). The EB-3 category receives 28.6 percent of the yearly worldwide limit, plus any unused Employment 1st and 2nd preference visas. All 3rd preference applicants require an approved I-140 Immigrant Petition for Foreign Worker filed by the prospective employer. All such workers require a labor certification, or Schedule A designation, or evidence that they qualify for one of the shortage occupations in the Labor Market Information Pilot Program. There are three subgroups within this category:

1. Skilled workers are persons capable of performing a job requiring at least “two years” training or experience;
2. Professionals with a baccalaureate degree are members of a profession with at least a university bachelor’s degree; and
3. Other workers are those persons capable of filling positions requiring less than two years” training or experience.





## EB-4 Special Immigrants

The employment-based 4th preference category (EB-4) classification includes religious workers and employees and former employees of the U.S. government abroad. These immigrants are given the designation “Special Immigrants.” Special Immigrants receive 7.1 percent of the yearly worldwide limit on employment-based immigrant visas. All such applicants must be the beneficiary of an approved I-360, Petition for Special Immigrant, except overseas employees of the U.S. Government who must use Form DS-1884. There are six subgroups to this category:

1. Religious workers coming to carry on the vocation of a minister of religion, or to work in a professional capacity in a religious vocation, or to work for a tax-exempt organization affiliated with a religious denomination;
2. Certain overseas employees of the U.S. Government;
3. Former employees of the Panama Canal Company;
4. Retired employees of international organizations;
5. Certain dependents of international organization employees; and
6. Certain members of the U.S. Armed Forces.

## EB-5 Investor Visa

The employment-based 5th preference category (EB-5) is reserved for employment creation investors. Employment creation investors receive 7.1 percent of the yearly worldwide limit on employment-based visas. All applicants must file a Form I-526, Immigrant Petition by Alien Entrepreneur, with the USCIS. To qualify, an individual must invest between U.S. \$500,000 and \$1,000,000, depending on the employment rate in the geographical area, in a commercial enterprise in the United States which creates at least 10 new full-time jobs for U.S. citizens, permanent resident aliens, or other lawful immigrants, not including the investor and his or her family. “EB5 investors” obtain permanent resident status on a conditional basis for two years and then must apply to “remove the condition.”

# MVP LAW GROUP



## MEETESH V. PATEL

*Attorney at Law*

The MVP Law Group is managed by business immigration attorney, Meetesh V. Patel. Mr. Patel has a hands-on approach with each and every client and represents numerous corporations in various industries, as well as individuals in all areas of business immigration law. Mr. Patel earned his Bachelor of Arts Degree in Government and Politics with an emphasis in International Relations from the University of Maryland in 1997 and completed his law degree from American University, Washington College of Law, Washington, D.C. in 2000.

Mr. Patel is a member of the Maryland State Bar and the District of Columbia Bar and has a strong interest in international law. As a law student at American University, Mr. Patel clerked for The Office of The United States Trade Representative. He is a member of the American Bar Association (ABA) and the American Immigration Lawyers Association (AILA).

Mr. Patel began his tenure in immigration law in 1998 by clerking for a business immigration firm in Silver Spring, Maryland. He has continued to practice immigration law in the Washington D.C./Baltimore metropolitan area since 2001.



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