



HAYMAN-WOODWARD
BUILDING VALUE ACROSS BORDERS

HAYMAN-WOODWARD
GLOBAL MOBILITY SERVICES | **2019**

A COMPANHIA

- **A HAYMAN-WOODWARD GLOBAL MOBILITY SERVICES é uma empresa multinacional fundada em 1996, com doze empresas operacionais dentro de sua área de atuação.**
- Devido à longa história de sucesso operacional e investimentos intensos da HAYMAN-WOODWARD, seu grupo cresceu para abranger vários negócios. Estes incluem **gerenciamento de patrimônio, planejamento tributário, imigração, consultoria de negócios, aviação, artes marciais, serviços de alimentação e outros** dentro de setores diversificados, apoiando indivíduos e entidades empresariais em sua busca por **construir valor além das fronteiras**.
- **A HAYMAN-WOODWARD GLOBAL MOBILITY SERVICES mantém a supervisão de suas afiliadas e subsidiárias e soluciona constantemente as lacunas culturais, garantindo seus objetivos globais de mobilidade.**





- O empreendedor Leonardo Freitas conta com mais de 25 anos de experiência em relações governamentais, comércio internacional e desenvolvimento de negócios, tanto nos Estados Unidos como em mercados emergentes, com marcado foco na América Latina e na Ásia. Em sua trajetória profissional como Executivo Sênior em Desenvolvimento de Negócios em renomadas empresas, como **Phillips Electronics, Tandberg, AT&T e Cisco Systems**, registrou um histórico de notáveis conquistas comerciais em negócios de governo e do setor privado.
- Com uma habilidade natural para detectar comportamentos fraudulentos, Freitas tornou-se instrutor certificado do **Facial Action Coding System (FACS)**, uma técnica desenvolvida na Universidade da Califórnia, São Francisco (UCSF), pelo renomado psiquiatra e cientista comportamental Dr. Paul Ekman. Aprofundou também seus conhecimentos na área das Ciências Comportamentais cursando estudos na Universidade de Melbourne.
- **Leonardo Freitas** é reconhecido pela sua capacidade de identificar e interpretar a linguagem corporal, **micro expressões faciais** e comportamento enganoso. Suas habilidades têm sido postas a serviço de organizações e empresas latino-americanas na definição do perfil profissional do staff, uma área de crescente importância. Têm sido também de utilidade para várias forças de segurança locais e federais.
- Em 1996, ele fundou a TradeSmart, que originou a ideia de participar mais tarde da fundação de **HAYMAN-WOODWARD**.
- Freitas também é um músico talentoso. Ele estudou na prestigiosa **Berklee College of Music** (Boston, EUA), se formando em Produção Musical e Engenharia de Som, e trabalhou na Polygram Records (hoje Universal Music) durante um estágio como gerente de estúdio de pós-produção.



BUILDING VALUE ACROSS BORDERS

**Não é um advogado licenciado, mas um profissional especialista em questões migratórias e tributárias e em consultoria de negócios.*



Miguel Negeliskii Risch é um advogado brasileiro-americano especialista em direito imigratório e Sócio Sênior da HAYMAN-WOODWARD PLLC. Advogado de prestígio internacional, conta com habilitação para advogar em Nova York e no Brasil.

Risch é Bacharel e Doutor em Direito pela Pontifícia Universidade Católica do Rio Grande do Sul, Brasil, e completou também um LLM na Universidade de Miami nos Estados Unidos. Como parte de sua trajetória profissional, ele foi Secretário Jurídico do Juiz Márcio Keppler Fraga nas varas criminal e cível do estado, em sua cidade natal, Porto Alegre - RS.

Antes de se unir ao escritório HAYMAN-WOODWARD, Risch trabalhou em renomados escritórios de advogados especializados em imigração, como o Rahbaran & Associates, onde se especializou em casos de imigração baseada em emprego, parentesco e investimento, bem como em casos complexos envolvendo violência doméstica e asilo político.

Risch também atuou como consultor jurídico para a Motorola e a Fox Latin America, participando de negociações bem-sucedidas de uma grande variedade de contratos internacionais, além de lidar com complexas transações transfronteiriças e questões tributárias internacionais.

Desde que se tornou sócio do escritório HAYMAN-WOODWARD, Risch lidera uma equipe jurídica excepcional, altamente capacitada nas diversas e complexas áreas do direito imigratório e tributário federal, entre as quais se contam os casos de admissão por interesse nacional, asilo, transferências multinacionais, habilidades excepcionais, artistas, atletas, naturalizações e tratados tributários bilaterais.

Miguel Negeliskii Risch é fluente em inglês, português e espanhol.



BUILDING VALUE ACROSS BORDERS

**Habilitado para advogar no Estado de Nova York; prática limitada ao direito imigratório.*

COMO A HAYMAN-WOODWARD PODE AJUDAR VOCÊ?

Os clientes da HAYMAN-WOODWARD têm acesso a uma ampla variedade de soluções para alcançar o melhor retorno nos investimentos



**Expatriação
e Vistos**



**Estruturação de
Family Office**



**Assessoria junto
a Órgãos
Governamentais**



**Desenvolvimen
to Internacional
de Negócios**



**Consultoria
Fiscal e Tributária**



**Análise
Comportamental**



**Serviços de
Concierge**



**Gestão de
Patrimônio**



Aviação



HAYMAN-WOODWARD

IMIGRAÇÃO - IMPACTOS NOS EUA



HW
HAYMAN-WOODWARD

SOCIAL

ECONÔMICO

POLÍTICO



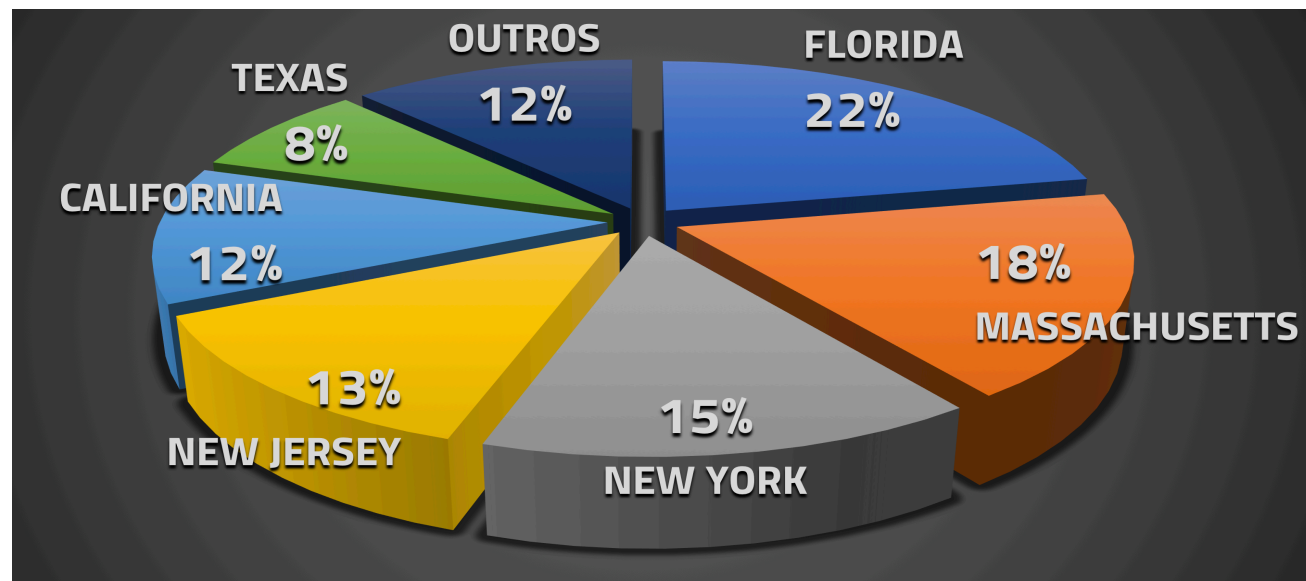
BUILDING VALUE ACROSS BORDERS

IMIGRAÇÃO – EM NÚMEROS

Imigrantes brasileiros contemplados com Green Cards no ano fiscal 2017 / 2018:

✓ **4.458 pessoas**

Locais de preferência dos imigrantes brasileiros nos EUA:



De que forma os imigrantes contribuem para a economia dos EUA?

- ✓ Gerando novos empregos
- ✓ Empregando seus conhecimentos e experiência profissional
- ✓ Trabalhando em áreas onde existe escassez de profissionais no país

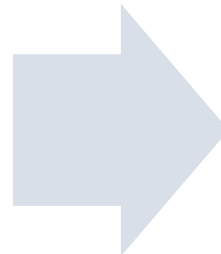
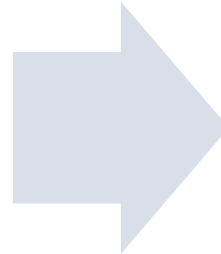


IMIGRAÇÃO - PRINCIPAIS ÓRGÃOS



Ministério das
Relações Exteriores

Polícia
Federal



Department
of State

Department of
Homeland Security

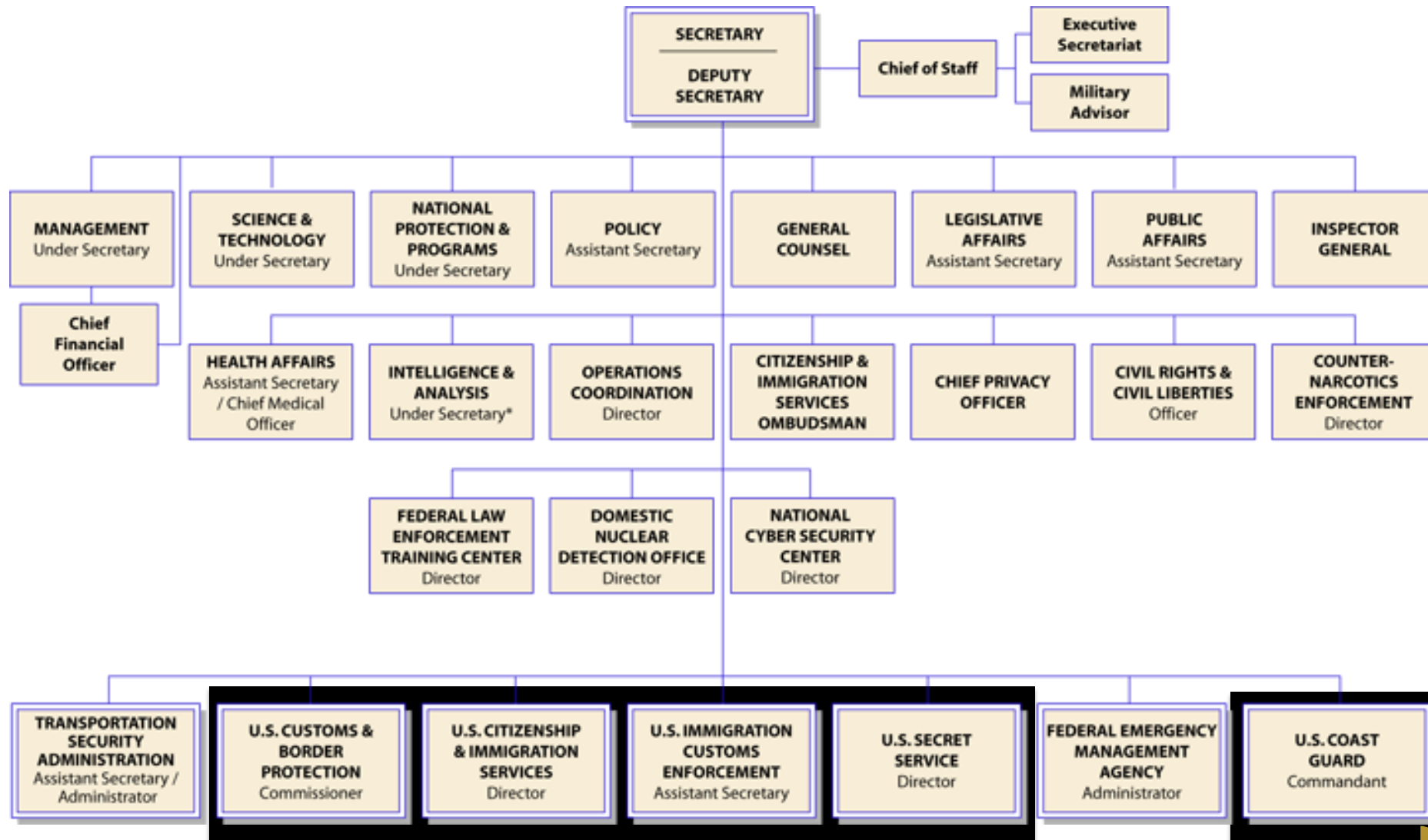


ESTRUTURA DOS ÓRGÃOS DE IMIGRAÇÃO DOS EUA

- FSO (Foreign Service Officer) funcionário consular do Departamento de Estado (similar ao Ministério das Relações Exteriores)
- AO (Adjudicating Officer) funcionário do Serviço de Imigração e Cidadania (similar ao Policial Federal do Brasil)
- CBP Officer (Customs and Border Patrol) funcionário do Departamento de Segurança Nacional (Homeland Security) encarregado da defesa fronteiriça dos EUA, similar Policial Federal Fronteiriço do Brasil.



US DEPARTMENT OF HOMELAND SECURITY



US DEPARTMENT OF HOMELAND SECURITY



Um total de 7 agências principais,
sendo 22 sub agências envolvendo
segurança nacional,
fronteiras e investigação.



BUILDING VALUE ACROSS BORDERS

ENTENDENDO O PROCESSO IMIGRATÓRIO

- Todo estrangeiro precisa de um **visto** ou uma **autorização eletrônica** para adentrar os EUA;
- Estando fora dos EUA, você pode ter um visto emitido por uma Repartição Consular dos EUA mais próxima (Departamento de Estado) ou uma autorização eletrônica emitida online (ESTA – Electronic System for Travel Authorization);
- Por exceção, pode-se solicitar a troca do status imigratório dentro dos EUA, junto ao USCIS/DHS.



IMIGRAÇÃO

Existem
187
vistos
disponíveis
para os EUA

As categorias estão classificadas em:

- Vistos de Imigrantes e Vistos de Não-imigrantes.
- Todas as Pessoas Físicas e Jurídicas têm algum tipo de solução migratória disponível.
- Cada caso é único e precisa ser tratado de forma exclusiva, com soluções sob medida.
- É imprescindível a consultoria de profissionais especializados, certificados e devidamente credenciados pelo Governo dos EUA.
Tratam-se de procedimentos administrativos, não judiciais, que devem ser sempre acompanhados pelos cuidados de um advogado experiente, licenciado e preferencialmente tendo a vivência prática do serviço de imigração e cidadania dos EUA.



ETAPAS PARA O SUCESSO



Identificar a categoria imigratória mais adequada para ao seu perfil Business, Investimento, Carreira: busca por novas oportunidades de vida.



Planejamento Tributário
Adequação fiscal para evitar uma alta carga de compensação tributária.



Identificação do melhor local de moradia, trabalho e investimentos (escola, desenvolvimento de negócios, etc...).



Adaptação da família
Status mental = preparação psicológica para viver no exterior.



Logística
Preparação e despacho da mudança e objetos pessoais para o exterior, transporte de animais domésticos, etc.



Toda informação sobre imigração dos EUA encontra-se diretamente no site do próprio USCIS.

The screenshot displays the official website of the U.S. Citizenship and Immigration Services (USCIS). At the top, there is a header with the USCIS logo, the text "U.S. Citizenship and Immigration Services", a search bar, and a "Need Help? Ask Emma" button. Below the header is a navigation menu with links for FORMS, NEWS, CITIZENSHIP, GREEN CARD, TOOLS, and LEGAL RESOURCES. A banner below the menu reads "Buy American and Hire American: Putting American Workers First and Protecting the Interests of U.S. Workers". The main content area features a large section titled "ONLINE FILING WITH USCIS" with a "File Online" button and links for "CHECK CASE STATUS", "CHECK PROCESSING TIMES", and "FIND AN OFFICE". Below this are four columns of links: "DATA AND CORRESPONDENCE", "I WANT TO...", "GREEN CARD", and "CITIZENSHIP".

Official Website of the Department of Homeland Security

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U.S. Citizenship and Immigration Services

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Need Help? Ask Emma

FORMS | NEWS | CITIZENSHIP | GREEN CARD | TOOLS | LEGAL RESOURCES

► Buy American and Hire American: Putting American Workers First and Protecting the Interests of U.S. Workers

ONLINE FILING WITH USCIS

Create an Account to [Renew Your Green Card](#), [Apply for Naturalization](#), [Replace your Naturalization or Citizenship Document](#) or [Appeal a Decision on Your Naturalization Application](#)

File Online

[CHECK CASE STATUS](#)

[CHECK PROCESSING TIMES](#)

[FIND AN OFFICE](#)

DATA AND CORRESPONDENCE

- Electronic Reading Room
- Data and statistics
- Reports and studies
- Congressional correspondence

I WANT TO...

- Explore my options
- Report fraud
- Learn about E-Verify
- Learn about working in the U.S.


GREEN CARD

- Learn about Green Cards
- Apply for a Green Card
- Renew your Green Card
- Remove conditions



CITIZENSHIP


- Learn about citizenship
- Apply to be a citizen
- Study for the test
- Take a practice test


VISTOS DE TRABALHO DE IMIGRANTE


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U.S. Citizenship and Immigration Services

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FORMS | NEWS | CITIZENSHIP | GREEN CARD | TOOLS | LEGAL RESOURCES

Home > Working in the United States > Permanent Workers

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Working in the United States

Temporary Workers

Permanent Workers

Employment-Based Immigration: First Preference EB-1

Employment-Based Immigration: Second Preference EB-2

Employment-Based Immigration: Third Preference EB-3

Employment-Based Immigration: Fourth Preference EB-4

Employment-Based Immigration: Fifth Preference EB-5

Students and Exchange Visitors

Temporary Visitors for Business

Information for Employers & Employees

Permanent Workers

Versión en español

Approximately 140,000 immigrant visas are available each fiscal year for aliens (and their spouses and children) who seek to immigrate based on their job skills. If you have the right combination of skills, education, and/or work experience and are otherwise eligible, you may be able to live permanently in the United States. The five employment-based immigrant visa preferences (categories) are listed below.

Labor Certification

Some immigrant visa preferences require you to already have a job offer from a U.S. employer. This employer will be considered your sponsor. For some visa categories, before the U.S. employer can submit an immigration petition to USCIS, the employer must obtain an approved labor certification from the U.S. Department of Labor (DOL). The DOL labor certification verifies the following:

- There are insufficient available, qualified, and willing U.S. workers to fill the position being offered at the prevailing wage
- Hiring a foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers

For more information see the “[Labor Certification](#)” page.

US Federal Tax Information

Aliens employed in the U.S. may have a U.S. Tax obligation.

- [Taxation of Resident Aliens](#)

More Information

- [Approval and Denial Statistics for I-140, Immigrant Petition for Alien Workers](#)

Forms

- [Working in the U.S. Forms](#)

Non-USCIS Links

- [IRS: Taxation of Resident Aliens](#)

VISTOS DE TRABALHO DE IMIGRANTE

Permanent Worker Visa Preference Categories

| Preferences | General Description | Labor Certification Required? | Preferences | General Description | Labor Certification Required? |
|-------------------------------|--|---|-------------------------------|--|-------------------------------|
| First Preference EB-1 | This preference is reserved for persons of extraordinary ability in the sciences, arts, education, business, or athletics; outstanding professors or researchers; and multinational executives and managers. | No | EB-3 | Third Preference EB-3 page for further definition of these job classifications.) | |
| Second Preference EB-2 | This preference is reserved for persons who are members of the professions holding advanced degrees or for persons with exceptional ability in the arts, sciences, or business. | Yes, unless applicant can obtain a national interest waiver (See the “Labor Certification” page for more waiver information.) | Fourth Preference EB-4 | This preference is reserved for “special immigrants,” which includes certain religious workers, employees of U.S. foreign service posts, retired employees of international organizations, alien minors who are wards of courts in the United States, and other classes of aliens. | No |
| | | | Fifth Preference EB-5 | This preference is reserved for business investors who invest \$1 million or \$500,000 (if the investment is made in a targeted employment area) in a new commercial enterprise that employs at least 10 full-time U.S. workers. | No |



VISTOS DE TRABALHO NÃO-IMIGRANTE



U.S. Citizenship and Immigration Services

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Working in the United States

Temporary Workers

[CW-1: CNMI-Only Transitional Worker](#)

[E-1 Treaty Traders](#)

[E-2 CNMI Investor](#)

[E-2 Treaty Investors](#)

[E-3 Certain Specialty Occupation Professionals from Australia](#)

[H-1B Specialty Occupations and Fashion Models](#)

[H-1C Registered Nurse](#)

[H-2A Agricultural Workers](#)

[H-2B Non-Agricultural Workers](#)

[H-3 Nonimmigrant Trainee](#)

Temporary (Nonimmigrant) Workers

Versión en español

In order for you to come to the United States lawfully as a nonimmigrant to work temporarily in the United States your prospective employer must generally file a nonimmigrant petition on your behalf with USCIS¹. The main nonimmigrant temporary worker classifications are listed in the table below. For more information about the filing requirements for particular nonimmigrant classifications, see the specific classification links under "Temporary Workers" to the left.

Spouses and Children Seeking Dependent Nonimmigrant Classification

Spouses and children who qualify for dependent nonimmigrant classification of a temporary worker and who are outside of the United States should apply directly at a U.S. consulate for a visa.

Spouses and children requesting a change of status or extension of stay in a dependent nonimmigrant classification must file Form I-539, Application to Extend/Change Nonimmigrant Status. Please see the Form I-539 instructions for further information on filing procedures for this application.

Federal U.S. Tax Information

Aliens employed in the U.S. may have a U.S. Tax obligation. See the Internal Revenue Service (IRS) for more information.

- [Taxation of Non Resident Aliens](#)

More Information

- [Frequently Asked Questions about Part 6 of Form I-129, Petition for a Nonimmigrant Worker](#)

Forms

- [Employment Based Forms](#)
- [I-539, Application To Extend/Change Nonimmigrant Status](#)
- [I-129, Petition for a Nonimmigrant Worker](#)

Other USCIS Links

- [Work Authorization](#)
- [Green Card \(Permanent Residence\)](#)
- [Working in the US Resources](#)

Non-USCIS Links

- [IRS: Taxation of Nonresident Aliens](#)

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VISTOS DE NÃO-IMIGRANTE

L-1 Transferência de executivo intra-company

Você pode ser elegível para um visto L-1 se for um executivo, gerente ou empregado com conhecimento especializado que trabalhou fora dos EUA para uma organização qualificada (incluindo uma afiliada ou subsidiária de empregador estrangeiro) durante pelo menos 1 ano nos últimos 3 anos.

- **Período inicial de permanência nos EUA:**
Até 3 anos (1 ano para novas solicitações)
- **Extensões possíveis:**
Até 2 anos
- **Prazo máximo de permanência:**
7 anos para gestores e executivos; 5 anos para trabalhadores especializados.



VISTOS DE NÃO-IMIGRANTE

E-2 Investidor do Tratado

Você pode ser elegível para um visto E-2 se investir em uma empresa americana nova ou já existente.

- **É necessário:**
Ter a cidadania de um país que possua um tratado de comércio e navegação com os Estados Unidos.
- **Período inicial de permanência nos EUA:**
Até 2 anos.
- **Extensões possíveis:**
Pode prolongar ou renovar o período de permanência.



VISTOS DE NÃO-IMIGRANTE

H1-B Ocupações específicas

H3 Trainees

Visto I (para membros de imprensa)



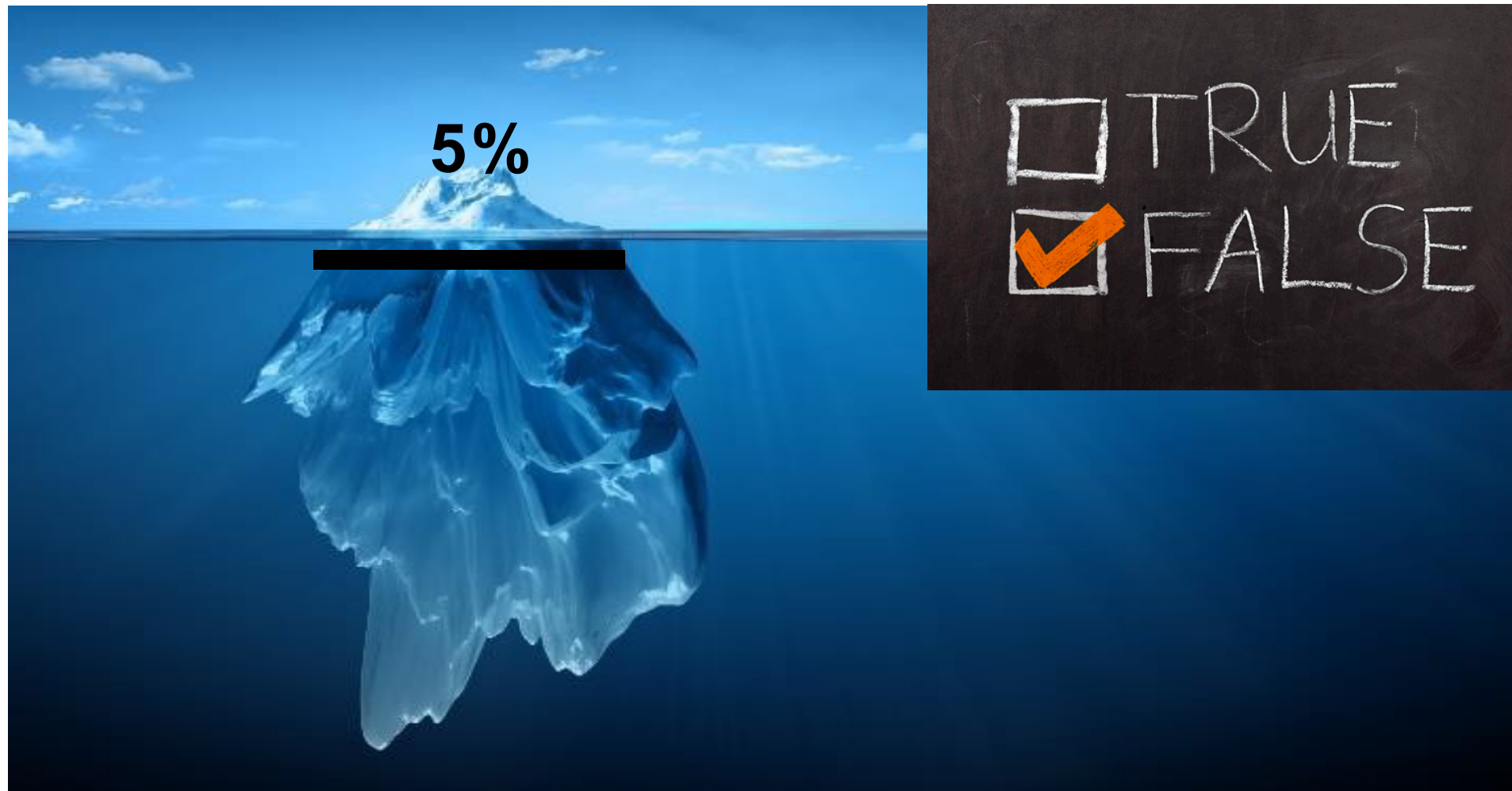
VISTOS DE TRABALHO NÃO-IMIGRANTE

Temporary (Nonimmigrant) Worker Classification

| Nonimmigrant Classification for a Temporary Worker | Description | Nonimmigrant Classification for Dependent Spouses and Children of a Temporary Worker | Nonimmigrant Classification for a Temporary Worker | Description | Nonimmigrant Classification for Dependent Spouses and Children of a Temporary Worker | Nonimmigrant Classification for a Temporary Worker | Description | Nonimmigrant Classification for Dependent Spouses and Children of a Temporary Worker |
|--|--|--|--|---|--|--|---|--|
| CW-1 | CNMI-Only transitional worker | CW-2 | H-2A | Temporary or seasonal agricultural workers. | H-4 | P-1A | Internationally recognized athletes. | P-4 |
| E-1 | Treaty traders and qualified employees. | E-1³ | H-2B | Temporary non-agricultural workers. | H-4 | P-1B | Internationally recognized entertainers or members of internationally recognized entertainment groups. | P-4 |
| E-2 | Treaty investors and qualified employees. | E-2³ | H-3 | Trainees other than medical or academic. This classification also applies to practical training in the education of handicapped children. | H-4 | P-2 | Individual performer or part of a group entering to perform under a reciprocal exchange program. | P-4 |
| E-2C | Long-term foreign investors in the CNMI | E-2C | I | Representatives of foreign press, radio, film or other foreign information media. | I | P-3 | Artists or entertainers, either an individual or group, to perform, teach, or coach under a program that is culturally unique. | P-4 |
| E-3 | Certain "specialty occupation" professionals from Australia. | E-3³ | L-1A | Intracompany transferees in managerial or executive positions. | L-2³ | Q-1 | Persons participating in an international cultural exchange program for the purpose of providing practical training, employment, and to share the history, culture, and traditions of the alien's home country. | Not Applicable ⁴ |
| H-1B | Workers in a specialty occupation and the following sub-classifications: H-1B1 - Free Trade Agreement workers in a specialty occupation from Chile and Singapore. H-1B2 - Specialty occupations related to Department of Defense Cooperative Research and Development projects or Co-production projects. H-1B3 - Fashion models of distinguished merit and ability. | H-4 | L-1B | Intracompany transferees in positions utilizing specialized knowledge. | L-2³ | R-1 | Religious workers. | R-2 |
| H-1C² | Registered nurses working in a health professional shortage area as determined by the U.S. Department of Labor. | H-4 | O-1 | Persons with extraordinary ability in sciences, arts, education, business, or athletics and motion picture or TV production. | O-3 | TN | North American Free Trade Agreement (NAFTA) temporary professionals from Mexico and Canada. | TD |
| | | | O-2 | Persons accompanying solely to assist an O-1 nonimmigrant. | O-3 | | | |

IMIGRAÇÃO – conceitos equivocados

Habilidades Extraordinárias e Profissionais de Interesse Nacional dos EUA (NIW)



BUILDING VALUE ACROSS BORDERS

VISTOS DE IMIGRANTE **EB-1**

EB-1 Primeira Preferência

- Habilidade Extraordinária
- Professores e Pesquisadores
- Gerente ou Executivo Multinacional



VISTOS DE IMIGRANTE **EB-1**

tes


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Immigration Services

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CITIZENSHIP

GREEN CARD

[Permanent Workers](#) > Employment-Based Immigration: First Preference EB-1

Employment-Based Immigration: First Preference EB-1

Employment-Based Immigration: First Preference EB-1

You may be eligible for an employment-based, first-preference visa if you have an extraordinary ability, are an outstanding professor or researcher, or are a multinational executive or manager. Each occupational category has certain requirements that must be met:



VISTOS DE IMIGRANTE EB-1

Eligibility Criteria

| Categories | Description | Evidence |
|-----------------------|---|---|
| Extraordinary Ability | You must be able to demonstrate extraordinary ability in the sciences, arts, education, business, or athletics through sustained national or international acclaim. Your achievements must be recognized in your field through extensive documentation. No offer of employment is required. | You must meet 3 of 10 criteria* below, or provide evidence of a one-time achievement (i.e., Pulitzer, Oscar, Olympic Medal) |



VISTOS DE IMIGRANTE **EB-1** Critérios

*** Criteria for Demonstrating Extraordinary Ability**

You must meet 3 out of the 10 listed criteria below to prove extraordinary ability in your field:

- Evidence of receipt of lesser nationally or internationally recognized prizes or awards for excellence
- Evidence of your membership in associations in the field which demand outstanding achievement of their members
- Evidence of published material about you in professional or major trade publications or other major media
- Evidence that you have been asked to judge the work of others, either individually or on a panel
- Evidence of your original scientific, scholarly, artistic, athletic, or business-related contributions of major significance to the field
- Evidence of your authorship of scholarly articles in professional or major trade publications or other major media
- Evidence that your work has been displayed at artistic exhibitions or showcases
- Evidence of your performance of a leading or critical role in distinguished organizations
- Evidence that you command a high salary or other significantly high remuneration in relation to others in the field
- Evidence of your commercial successes in the performing arts



VISTOS DE IMIGRANTE EB-1

Eligibility Criteria

| | | |
|--|---|--|
| Outstanding professors and researchers | You must demonstrate international recognition for your outstanding achievements in a particular academic field. You must have at least 3 years experience in teaching or research in that academic area. You must be entering the United States in order to pursue tenure or tenure track teaching or comparable research position at a university or other institution of higher education. | You must include documentation of at least two listed below** and an offer of employment from the prospective U.S. employer. |
|--|---|--|



**** Examples of Documentary Evidence That A Person is an Outstanding Professor Or Researcher**

- Evidence of receipt of major prizes or awards for outstanding achievement
- Evidence of membership in associations that require their members to demonstrate outstanding achievement
- Evidence of published material in professional publications written by others about the alien's work in the academic field
- Evidence of participation, either on a panel or individually, as a judge of the work of others in the same or allied academic field
- Evidence of original scientific or scholarly research contributions in the field
- Evidence of authorship of scholarly books or articles (in scholarly journals with international circulation) in the field



VISTOS DE IMIGRANTE **EB-1**

Eligibility Criteria

| | | |
|------------------------------------|---|---|
| Multinational manager or executive | You must have been employed outside the United States in the 3 years preceding the petition for at least 1 year by a firm or corporation and you must be seeking to enter the United States to continue service to that firm or organization. Your employment must have been outside the United States in a managerial or executive capacity and with the same employer, an affiliate, or a subsidiary of the employer. | Your petitioning employer must be a U.S. employer. Your employer must have been doing business for at least 1 year, as an affiliate, a subsidiary, or as the same corporation or other legal entity that employed you abroad. |
|------------------------------------|---|---|



VISTOS DE IMIGRANTE EB-1 C

Empresa nos EUA funcionando há 1 ano
Subsidiária ou afiliada à empresa no Brasil

| | | |
|------------------------------------|---|---|
| Multinational manager or executive | You must have been employed outside the United States in the 3 years preceding the petition for at least 1 year by a firm or corporation and you must be seeking to enter the United States to continue service to that firm or organization. Your employment must have been outside the United States in a managerial or executive capacity and with the same employer, an affiliate, or a subsidiary of the employer. | Your petitioning employer must be a U.S. employer. Your employer must have been doing business for at least 1 year, as an affiliate, a subsidiary, or as the same corporation or other legal entity that employed you abroad. |
|------------------------------------|---|---|



VISTOS DE IMIGRANTE **EB-2**


EB-2 Segunda Preferência

- Grau Avançado
- Habilidade Excepcional
- Interesse Nacional dos EUA



VISTOS DE IMIGRANTE **EB-2**

tes


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[Permanent Workers](#) > Employment-Based Immigration: Second Preference EB-2

Employment-Based Immigration: Second Preference EB-2

Employment-Based Immigration: Second Preference EB-2

You may be eligible for an employment-based, second preference visa if you are a member of the professions holding an advanced degree or its equivalent, or a foreign national who has exceptional ability. Below are the occupational categories and requirements:



VISTOS DE IMIGRANTE EB-2

Eligibility Criteria

| | | |
|-----------------|--|--|
| Advanced Degree | The job you apply for must require an advanced degree and you must possess such a degree or its equivalent (a baccalaureate degree plus 5 years progressive work experience in the field). | Documentation, such as an official academic record showing that you have a U.S. advanced degree or a foreign equivalent degree, <i>or</i> an official academic record showing that you have a U.S. baccalaureate degree or a foreign equivalent degree and letters from current or former employers showing that you have at least 5 years of progressive post-baccalaureate work experience in the specialty. |
|-----------------|--|--|



VISTOS DE IMIGRANTE **EB-2**

Eligibility Criteria

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|---------------------|--|--|
| Exceptional Ability | You must be able to show exceptional ability in the sciences, arts, or business. Exceptional ability “means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.” | You must meet at least three of the criteria below.* |
|---------------------|--|--|



VISTOS DE IMIGRANTE EB-2

Eligibility Criteria

| | | |
|--------------------------|--|---|
| National Interest Waiver | Aliens seeking a national interest waiver are requesting that the Labor Certification be waived because it is in the interest of the United States. Though the jobs that qualify for a national interest waiver are not defined by statute, national interest waivers are usually granted to those who have exceptional ability (see above) and whose employment in the United States would greatly benefit the nation. Those seeking a national interest waiver may self-petition (they do not need an employer to sponsor them) and may file their labor certification directly with USCIS along with their Form I-140, Petition for Alien Worker. | You must meet at least three of the criteria below* and demonstrate that it is in the national interest that you work permanently in the United States. |
|--------------------------|--|---|



* Criteria

- Official academic record showing that you have a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to your area of exceptional ability
- Letters documenting at least 10 years of full-time experience in your occupation
- A license to practice your profession or certification for your profession or occupation
- Evidence that you have commanded a salary or other remuneration for services that demonstrates your exceptional ability
- Membership in a professional association(s)
- Recognition for your achievements and significant contributions to your industry or field by your peers, government entities, professional or business organizations
- Other comparable evidence of eligibility is also acceptable.

Note: Employment-based, second-preference petitions must generally be accompanied by an approved individual labor certification from the Department of Labor on Form ETA-750. Please see the Department of Labor’s [“Foreign Labor Certification”](#) page for more information.

To qualify for an EB-2 visa, your employer must file a Form I-140, Petition for Alien Worker. For more information about filing, see the [“Forms”](#) page.

Family of EB-2 Visa Holders

Your spouse and children under the age of 21 may be admitted to the United States in E-21 and E-22 immigrant status, respectively. During the process where you and your spouse are applying for permanent resident status (status as a green card holder), your spouse is eligible to file for an Employment Authorization Document (EAD).

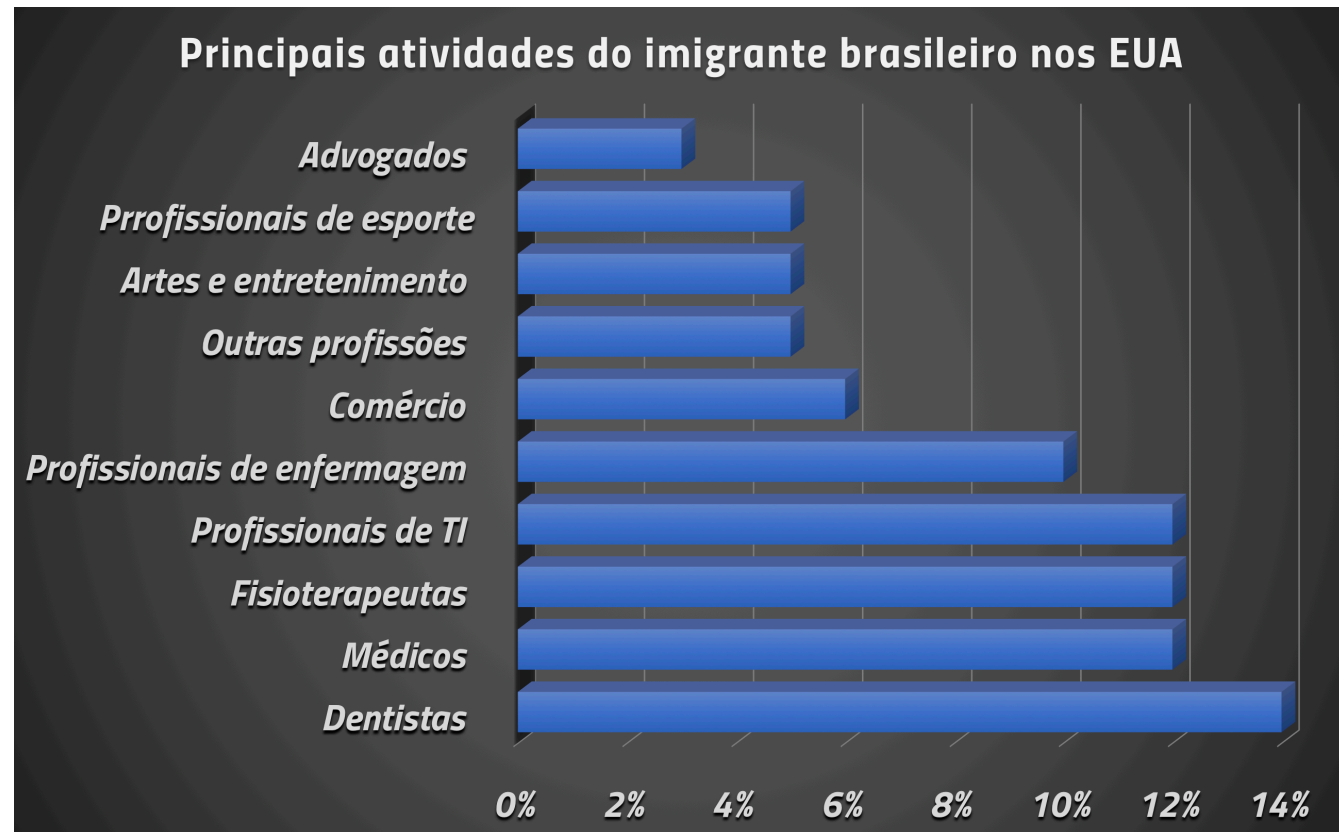


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GLOBAL MOBILITY SERVICES

4 Montpelier St, Suite 55, London, SW7 1 EE, UK
801 Brickell Avenue, 15th Floor, Miami, FL 33131, USA
+1 (305) 515-8095 | office@HaymanWoodward.com

www.HaymanWoodward.com

