

# GUIDE TO USA IMMIGRATION

This document was prepared by the ACCA USA office and is intended to assist ACCA members and students wishing to move to the United States. It is intended to be a first resource for those individuals, but should not be seen as a substitute for conducting your own research and consulting the proper resources.

The information provided does not encompass all paths to immigration to the United States. Instead, it is meant to provide an overview of the paths most likely to assist ACCA members and students hoping to move to the USA.

For additional information, please refer to the “Resources Page” of this document.

*Any information in this document is intended for informational purposes and should be confirmed with an immigration attorney, the Embassy of the United States in your country, or the appropriate USA government agency. Please do not direct any questions to ACCA USA.*

## IMMIGRATION OVERVIEW

An individual wishing to legally enter the United States is required to receive an immigrant visa. Immigration involves working with and filing many forms with multiple agencies with the United States government, including the U.S. Department of State and the Department of Homeland Security, and much time and patience.

In 2011, approximately 1 million new Legal Permanent Residents received permanent visas to enter the United States. Also in 2011, the Department of State issued temporary visas to 7,507,939 foreign nationals for the purpose of traveling, business, working, studying, and other reasons.

There are two types of visas: permanent (immigrant) visas and temporary (nonimmigrant) visas. An individual wishing to achieve permanent residence status in the United States will ultimately require a permanent visa. Some individuals may get a permanent visa, while others may need to maintain a series of valid temporary visas prior to being eligible for a permanent visa.

### **Permanent Visas**

**Employment Based Immigration.** The USA makes approximately 140,000 employment-based immigrant visas available to qualified applicants every fiscal year (October 1 through September 30).

Spouses and children are permitted to accompany or follow-to-join immigrants moving to the USA for a specific employment opportunity.

Possibly the simplest and most successful route to moving to the USA for ACCA members and students, employment based immigration allows your employer to transfer an individual to an office location in the USA. If you are immigrating to the USA for a specific job as transferred by your employer, your employer will direct your immigration by obtaining a labor certification from the U.S. Department of Labor (if required) and filing [Form I-140](#), the Immigration Petition for Alien Worker.

There are five categories of workers who are ranked in order of preference for admittance into the USA. Listed in order of preference, they are:

1. Priority workers (persons with extraordinary ability; outstanding professors and researchers; and multinational managers or executives);
2. Professionals holding advanced degrees and persons of exceptional ability;
3. Skilled workers, professionals, and unskilled workers;
4. Certain special immigrants (including but not limited to broadcasters in the USA; Ministers of Religion; Iraqi and Afghan interpreters/translators); and
5. Immigrant Investors.

More information can be found [here](#).

Because this type of immigration is commonly directed by your employer, your ability to be an employment-based immigrant is dependent upon being employed and transferred by your employer. Typically, ACCA members and students in the USA immigrate under this directive.

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I transferred from within the same firm overseas to the USA, but I had to diligently seek an opportunity in the USA firm myself, as the message being broadcasted was that if you do not have US GAAP experience, it is difficult to get into the USA firm. So I made contacts with various offices in the USA, and found several opportunities. I selected one, and have no regrets. The requirement for the manager level in the USA firm changed immediately after I joined requiring us to be a CPA, so I pursued the CPA immediately. To be honest, this is much easier than the ACCA, so I passed the exams although I had limited time off from work. Key message is to remain positive as the knowledge gained from pursuing the ACCA is invaluable. Just stay focused on your career goals and network with other professionals so you can integrate quickly into the USA.

**Immigrating Based on Family.** Family-based immigration exists so that a lawful permanent resident who is a foreign national and granted the ability to live and work in the United States can bring over his or her family members. If you are an individual wishing to come over based on a family visa, you must have a relative lawfully living in the United States who is willing to sponsor you.

If your relative is a lawful permanent resident, he or she may sponsor his or her spouse and any unmarried children, regardless of age. In order to sponsor an individual, your relative must begin the process by filing Form I-130, Petition for Alien Relative. Filing Form I-130 is the first step in a long process that may take several years.

For more information, please see [this brochure](#) published by the U.S. Citizenship and Immigration Services.

**Diversity Visa Program.** Immigrant diversity visas are available to individuals from certain countries through an annual program. The Diversity Visa Program is mandated by Congress and makes up to 55,000 diversity visas available annually. Individuals are randomly selected among all entrants who meet strict eligibility requirements regarding the countries from which they apply. Individuals applying from countries with immigration numbers in the previous five years are those that are eligible. For the DV-2013 program, more than 7.9 million individuals submitted qualified applications for the 55,000 available visas.

Information regarding the 2015 Diversity Immigration Visa Program can be found [here](#).

## **Temporary Visas**

**Student Visas.** Student visas are granted to individuals who will be pursuing higher education in the United States and have the intention of returning back to their country of origin. In order to apply for a student visa, an individual must have applied to a [Student and Exchange Visitor Program \(SEVP\)](#) approved U.S. university and have been accepted to study.

Visas are granted on a per school basis, so an individual should not apply until he or she has heard from his or her first choice school. Visas can be issued up to 120 days in advance of study start but an individual cannot enter the United States earlier than 30 days before the start date.

**Because the ACCA qualification is currently only taught by online learning providers and no brick-and-mortar institution, student visas are not granted to those wishing to study the ACCA qualification in the USA.**

For a full description of and the process of applying for a student visa, please see ACCA USA's "Studying in the United States: A Guide for Members and Students."

**Business Travelers.** If an individual is planning on visiting the United States on a temporary basis for business travel, you are required to apply for and receive a business visitor visa (B-1). For more information what type of business travel qualifies as a B-1 visa, review this [brochure](#) created by the State Department.

**Temporary Workers.** If an individual needs to enter the United States for a set period of time for employment purposes, you are required to apply for and receive a visa in a temporary worker visa category. The temporary worker categories that may be applicable to ACCA members and students are listed below.

Visa Category	General description – About an individual in this category:
<b>H-1B:</b> Person in Specialty Occupation	To work in a specialty occupation. Requires a higher education degree or its equivalent. Includes fashion models of distinguished merit and ability and government-to-government research and development, or co-production projects administered by the Department of Defense.
<b>H-1B1:</b> Free Trade Agreement (FTA) Professional - <a href="#">Chile</a> , <a href="#">Singapore</a>	To work in a specialty occupation. Requires a post-secondary degree involving at least four years of study in the field of specialization. (Note: This is not a petition-based visa. For application procedures, please refer to the website for the <a href="#">U.S. Embassy in Chile</a> or the <a href="#">U.S. Embassy in Singapore</a> .)
<b>H-2B:</b> Temporary Non-agricultural Worker	For temporary or seasonal non- agricultural work. Limited to citizens or nationals of designated countries, with limited exceptions, if determined to be in the United States interest.
<b>H-3:</b> Trainee or Special Education visitor	To receive training, other than graduate medical or academic, that is not available in the trainee’s home country or practical training programs in the education of children with mental, physical, or emotional disabilities.
<b>L:</b> Intracompany Transferee	To work at a branch, parent, affiliate, or subsidiary of the current employer in a managerial or executive capacity, or in a position requiring specialized knowledge. Individual must have been employed by the same employer abroad continuously for 1 year within the three preceding years.
<b>Q-1:</b> Participant in an International Cultural Exchange Program	For practical training and employment and for sharing of the history, culture, and traditions of your home country through participation in an international cultural exchange program.

**Source** (and for a full list of temporary worker visas): [U.S. Department of State, Bureau of Consular Affairs](#).

## RESOURCES PAGE

### **U.S. Department of State, Bureau of Consular Affairs**

[Learn more about US visas](#), both temporary and permanent visas

More information on the [Diversity Visa Program](#)

[Visa Wizard](#), helpful to determine your appropriate visa category

### **U.S. Department of Homeland Security**

Information regarding [visa types](#)

### **[U.S. Citizenship and Immigration Services](#)**

### **Your Local U.S. Embassy**

[Find your local U.S. embassy](#), where you can apply and be interviewed for a U.S. visa.