

# INTRODUCTION

People wanting to go abroad as job-seekers, businessmen, professionals or students feel the need for information regarding the procedures and formalities to be followed. In the absence of a comprehensive source of such information, the only option for prospective emigrants is to go from embassy to embassy and gather whatever little information they can. This proves to be not only time-consuming but expensive as well. This book obviates such difficulties and serves the purpose of a single source of information in all aspects of immigration. We have included the current visa application forms in use by various countries, at the end of the relevant chapters. This is only to give you an idea of the information and documentation required, and to enable you to practise filling out the forms. Photocopies of these forms should, however, not be used while making actual applications. Application forms can be obtained directly from the relevant embassy, or could be downloaded from the website of the government in question.

More than ten years have passed since this book was first published. In keeping with our practice of publishing accurate information, we have taken great pains in this new and enlarged edition to update our information, check and double-check every aspect of it, and talk to as many people as possible in the course of our research.

Part I of the book deals with the *whys*, *wheres*, and *hows* of emigrating, along with what

you need to know about travel requirements and formalities.

Part II contains separate chapters on different countries giving detailed and up-to-date information on the procedures and requirements for emigrating to each one. In addition, we have also given a brief background of these countries, primarily for those who have not previously travelled there. So, whether you are planning your first familiarization visit to a country, or you are making one of many trips overseas with the purpose of settling abroad, or you are considering a single trip for the sole purpose of immigrating, you will find this book immensely useful.

The chapter on the United States forms the major portion of this book. There are many changes that have been made in the immigration policies offered by the USA. Yet, as you will see, it still remains, and will continue to be, the most desirable country to go to — whether for the purpose of business, employment, or higher education.

Canada also offers interesting opportunities for the prospective emigrant. Although a higher degree of racial and ethnic discrimination exists there than in the US, it is comparatively easier to settle legally in Canada.

Europe has been the traditional destination of many seeking to start a new life abroad. We especially focus on two countries — the United Kingdom and Germany, both of which have their own attractions depending on your circumstances.

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Expatriates from many countries still manage to find good jobs in the Middle-East. If you would like to go there for employment purposes, we explain how exactly to go about it. Despite the recent upsets, the region still affords Indians the opportunity to accumulate substantial savings. Additionally, it offers a stepping stone for emigrating to countries in other parts of the world. We talk about three countries—the UAE, Saudi Arabia and Kuwait.

'Down Under', i.e. Australia and New Zealand, still some of the most sparsely populated regions of the world remain in many ways the nicest places to settle. The unspoilt environment offers tremendous scope for growth, and the vast areas of undeveloped land can easily absorb large numbers of new immigrants without becoming over-populated.

As far as Japan is concerned, it may not offer any scope for immigration, but we have given a detailed account of how you can do successful business there.

And Singapore, with its high standard of living and career opportunities, has attracted scores of immigrants to its shores.

When considering your options and making your choice of overseas destination, you should bear in mind that merely moving to a new land

is no guarantee of everlasting happiness. However, there are many places in this world where one can avail of vastly better economic opportunities, earning the equivalent of a lifetime's earnings in India within the short span of three to four years, and where one can successfully combine business with pleasure.

The first chapter of this book will help you choose your destination. Once you have made your choice, we will tell you how to go about getting there — and staying on there. The chapters on the various countries in Part II of this book are independent of each other. So you can start with the initial chapter and proceed from there to explore the options open to you, or you can go straight to the chapter that tells you about the country you are interested in.

Our attempt has been to make this information-packed book as comprehensive and coherent as possible. We enjoyed writing it and updating it for you, and hope you will find it equally readable and useal. Bon Voyage!

You are welcome to correspond with the author Rakesh Wadhwa by e-mail at: [everest@mos.com.np](mailto:everest@mos.com.np)



# CHOOSING A DESTINATION

## Why, Where and How

**T**here are several reasons why people migrate. If you are one of those who wish to do so, the first decision you must make is where to go to. But before discussing different countries and how to gain entry and residency there, let us see how to choose the right country and also understand the general aspects of migrating as applicable to most countries.

### Why People Migrate

We give below some, though by no means all, of the reasons why you may find it advantageous to migrate.

#### 1.Improving Your Economic Prospects

It has been a dream of many to emigrate to a rich country like the US, and it may well be yours too. The streets of New York may not be paved with gold, but the US does offer tremendous opportunity for economic betterment and a significantly higher standard of living than most other places in the world.

#### 2. Escaping Persecution

If you find that your country has abandoned

the due process of law for a repressive and restrictive government, you may do well to emigrate. A number of people from Myanmar (Burma), Cuba, North Korea, etc. gain political asylum elsewhere if they manage to leave their homelands. People from India, especially Punjab, have also sought refuge or political asylum in the US, Germany, Canada, etc.

#### 3.Tax Saving

Obtaining citizenship of another country, or even just residency there, may save you taxes. Simply speaking, to avoid taxes you have to become a non-resident of your country. The general rule is to stay in 'your country for less than six months in a year. However, you should check the exact period with a tax consultant.

#### 4.Changing for a Better Environment

You may prefer the beaches of Australia to those of Goa. Or you may wish to migrate because you want to have your children brought up and educated in the United States.

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### 5. Seeking a Better Business Climate

Then, too, you may feel stifled in an environment of stringent regulations and prefer to do business in a freer economy. In India, even after liberalization, the private sector is still shackled with excessive regulation. You may well conclude that better business opportunities exist elsewhere. Further, in India the government owns and controls telephones (other than cellular), railways, nuclear energy, power, most of the big banks and financial institutions, mines, post offices, airports, and so on. None of these run efficiently. You may decide that the system has become unbearable and go to a country where telephones work, where there are no power cuts, where it is possible to obtain cheap rail tickets and also get better service from the railways, where it doesn't take days to get cheques credited to your account, and where you do not have to queue up to obtain your everyday necessities.

### Where to Go

If you have already decided where you want to go, then we suggest that you skip this portion and move on.

For those who have decided to migrate but do not know where to go, or have several choices available, we list certain factors which you may wish to take into consideration. This listing is certainly not all-encompassing, and you may have valid reasons for choosing a country based on factors not mentioned here.

Our choice of countries, in order of preference, would be as follows:

1. USA
2. Canada (preferable due to its proximity to the US)
3. Australia
4. Europe (UK preferable)
5. New Zealand
6. Singapore.

We have not included the Middle East here as it is not a place where you could go for permanent settlement. However, the Middle East does offer the chance to earn and save considerable amounts of money in a short span of three to four years, and so we have devoted a chapter to it. Japan too is not included in the above list as it offers no immigration facilities.

### How to Go

It is the aim of this book to tell you how to go abroad and obtain permanent residency or citizenship there. Part II of this book deals individually with various countries and their immigration laws and procedures. Here we give some of the general methods of emigrating. These are based on certain common principles upon which almost all countries have formulated their immigration laws.

#### 1. Political Asylum Seekers/Refugees

Most western countries would accept you if you came from an area recognized by the UN as a refugee source. Refugees/political asylum grantees do not suffer any restrictions on their activities and are free to take up employment, do business, etc. Further, during the period in which your application is pending, after you have reached say, Germany or Canada (the method of getting to these countries is explained in the relevant chapters), you could claim a minimum subsistence allowance and perhaps even work in the underground economy. The US is one of the more liberal countries with respect to admitting refugees/political asylum seekers, especially from a communist country.

#### 2. Employment

Almost all countries allow your entry on an employment visa. The procedure normally is to find a prospective employer who is able to

establish that he cannot find residents to fill the vacancy and therefore, requires you. He may have to advertise the vacancy and follow certain other procedures. The US has various kinds of work permits available and offers you the great advantage of being able to change your status from a tourist to an employee within its boundaries. You should not though, attempt it too soon on landing in the States, as it would indicate preconceived intent. This has been elaborated upon in the chapter on the US.

Some countries, such as Canada and Australia, also prepare listings of job classifications for which there exists a demand which is not being filled by residents. Although having a guaranteed job will make the process simpler, you can emigrate even without one, the presumption being that your skills will get you a job once you are there. The situation is fluid, however, and you would have to find out about the 'skills in demand' at the time you plan to emigrate. Guidelines on how to prepare a job resume and other helpful hints are included at the end of this chapter to assist you, if taking up overseas employment figures in your scheme of things.

### 3. Marriage

As this is invariably the quickest method of gaining entry to the country of one's choice, numerous cases of 'convenience marriages' (those ending in divorce once residency papers are obtained), have taken place. Now, however, all countries have tightened their laws and this method is no longer as easy as it once was. US Immigration may interrogate a couple separately if they become suspicious. They may also revoke your status if the fact of your sham marriage comes to light. This presumption would be very strong if your marriage were to break up shortly after your obtaining residency status—say, within a year. If you

plan to go to the US, remember that you will obtain your Green Card (permanent residency), only if you marry a US national. If you marry a permanent resident who is not a citizen, it could entail a waiting period of two years before you get your Green Card.

If you are young, unmarried, and Want to settle abroad, marriage is probably the best method. There are regular advertisements for spouses by Indian nationals settled abroad who travel to India for this purpose. The correct way to go about this would be to meet the person a few times prior to getting married. Remember also that if the marriage is an arranged one, and you have never met your prospective spouse, it would not be easy to gain permanent residency through such a marriage because convincing the immigration authorities that your marriage is a real one may well be impossible. In the UK, you would be expressly barred if it were established that you have never met your prospective spouse before.

### 4. Retired Persons

Most countries welcome sources of earning foreign exchange. So if you are above a certain age (55 to 65) and you have means of support without going on welfare or otherwise becoming a responsibility of the country, you will be allowed entry with your spouse.

### 5. Establishing or Managing a Business, Investing, Self-Employment

Almost all countries — including the US, Canada, the UK, Singapore, etc. — will permit you admittance and residency if you either invest money there, or if you start or purchase a business enterprise. Most countries also have special immigration provisions for self-employed persons, including writers, musicians, painters, sportsmen, etc.

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### **6. Birth**

You could give your child the gift of citizenship of another country simply by ensuring that he or she is born in that country. Most countries confer the right to acquire citizenship to a child born within its boundaries, and this right is generally exercisable at the time of attaining maturity. However, this rule is not applicable to diplomats.

Preferably, you should plan to go to the country three months before the baby is due. (Generally, airlines will not take you aboard during the last two months of pregnancy.) Moreover, this period of time will enable you to become familiar with the place, decide on a hospital, and complete various formalities. Another reason to travel even earlier than three months before the due date is that you may have difficulties in getting a tourist visa if it is apparent that you are pregnant. It would be helpful to take a letter from a doctor written to a hospital, or another doctor in the country where you are going, that explains the medical reasons why it is advisable for you to travel abroad for confinement. You could take two precautions if you are travelling to the US:

- Travel even earlier than three months prior to the due date. A US visa merely gives you a right to apply for admittance upon arrival at the US point of entry, and it may be a good idea not to make it apparent to the immigration officials that you are pregnant.
- Medical expenses abroad, especially in the US, are very high. Therefore, arrange for medical insurance which covers pregnancy and delivery expenses at least ten months prior to when you plan on having a baby.

Besides conferring another nationality on your child, this would open the way to your own ultimate entry. Your child would also be able to sponsor his or her brothers and sisters. However, please note that your children born in the US would be able to sponsor you only

after attaining the age of 21 years, and hence this method would not be of help in your migrating to the United States in the near future.

Canada allows parents to be sponsored, but not brothers and sisters. Australia, with its policy of furthering family reunion, would be an ideal choice if you want all of your family to move to that country. In the UK, the rules are different now — even if you are naturalized as a British citizen, your children would have to be born in the UK for them to be British citizens. This is designed to exclude children of British citizens who are not of British ancestry, unfortunate enough to be born outside the UK. UK laws now also exclude those born in the UK but whose parents are not British. This is obviously discriminatory in effect, as it bars a number of Indian, Hong Kong, Pakistani, Kenyan, and other former crown colony passport holders from having their children become British subjects.

### **7. Relatives**

It is possible to be sponsored for residency by a brother, a sister, parents or children. These visas are limited to close relatives. As stated earlier, Australia fosters family reunion and your visa should come through in less than a year. On the other hand, the US has a quota or preference system. Hence, in certain categories, the waiting period could be as long as four years or more.

You can sponsor the following categories of relatives:

#### **a. Children**

Permitted by the UK, the US, Canada, Australia and New Zealand. Restrictions of age are prevalent: the child must be below 21 years (18 years in the case of the UK), and/or be fully dependent on you.

### Factors Affecting Your Choice of Country for Migration

|                | Standard Quality of living       |                                                           | Discrimination against education | Medical facilities                                 | Tax laws                                                  | Currency controls                                                            | Political stability | Language             | Social conditions                         |
|----------------|----------------------------------|-----------------------------------------------------------|----------------------------------|----------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------|---------------------|----------------------|-------------------------------------------|
| United States  | Very high                        | Excellent but very expensive at college/university level, | Very low/moderate in areas.      | Excellent but very expensive; insurance available. | Complex but very marginal rates.                          | US\$ is freely convertible, but banks have certain repatriating requirements | Good                | English              | Very liberal and hardly any restrictions. |
| Canada         | Very high                        | Good but expensive.                                       | Moderate                         | Good                                               | More favourable than in India but less so than in the US. | C\$ is freely convertible,                                                   | Good                | English/French       | Very liberal and hardly any restrictions. |
| Australia      | High, a fully developed country  | Good but expensive.                                       | Low                              | Good                                               | More favourable than in India but less so than in the US. | A\$ is freely convertible.                                                   | Good                | English              | Very liberal.                             |
| United Kingdom | High, a fully developed country, | Good but expensive, high in certain areas.                | Moderate/inferior in the US.     | Considerably inferior to the US.                   | More favourable than in India but less so than in the US. | Pound is freely convertible.                                                 | Good                | English              | Liberal                                   |
| New Zealand    | High, a fully developed country  | Good but expensive.                                       | Low                              | Good                                               | More favourable than in India but less so than in the US. | NZ\$ is freely convertible.                                                  | Good                | English              | Very liberal.                             |
| Singapore      | High, a fully developed country, | Good but expensive,                                       | Low                              | Good                                               | More favourable than in India but less so than in the US. | S\$ is freely convertible.                                                   | Good                | English/Tamil/Malay, | Very liberal.                             |

### Categories for Gaining Pennant Residency & Otizenship

| Country                                       | Refugees | Employment                                                                                        | Marriage | Retirement                                       | investment<br>/business                                                                            | 'Birth                                             | Sponsored<br>relatives                                                                        |
|-----------------------------------------------|----------|---------------------------------------------------------------------------------------------------|----------|--------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------|
| UnitEd Slates                                 | Yes      | Yes, subject to annual quota by country of origin and lack of a US citizen available for the job. | Yes      | No                                               | Yes, US\$ 500,000. Must create jobs. For company transferees, US \$50,000 investment maybe enough. | Yes                                                | Children/ spouse/ fiancé(e)/ siblings/ parents (subject to annual quda by country of origin). |
| <b>Canada</b>                                 | Yes      | Yes, you can apply if you have confirmed job offer.                                               | Yes      | No                                               | Yes, C\$ 500,000. Must create jobs & be approved by provincial government.                         | Yes                                                | Parents/ spouse/ unmarried children under 19/ fiancé(e),                                      |
| <b>Australia</b>                              | Yes      | Yes, if your skills are in demand.                                                                | Yes      | Yes, if 55 or over & can prove means of support. | Yes, A\$ 750,000. Must have track record & pass the points test.                                   | Yes                                                | Parents/ spouse/ fiancé(e)/ children/ sisters/ brothers.                                      |
| UnitEd Kingdom                                | Yes      | Yes, if your skills are in demand.                                                                | Yes      | Yes                                              | Yes, must transfer £200,000 to UK.                                                                 | Yes, if your grand-parents/ parents are born in UK | Spouse/ unmarried children under 18/fiancé(e)                                                 |
| New Zealand                                   | Yes      | Yes, if your skills are in demand. test.                                                          | Yes      |                                                  | Yes, NZ\$ 750,000. Must pass pdnts                                                                 | Yes                                                | Parents/ spouse/ children/ siblings.                                                          |
| <b>Singapore</b><br>Hong<br>Koog<br>refugees. | Only     | Yes                                                                                               | Yes      | No                                               | Yes, must transfer S\$ 1.5 millioo to Singa pore.                                                  | Yes                                                | Parents/ spouse/ unmarried children under 21                                                  |

### **b. Brothers/Sisters**

Allowed by the US, Australia and New Zealand.

### **c. Parents**

Permitted by the US, Canada, New Zealand and Australia. Aunts, uncles, cousins, and other distant relatives cannot directly be sponsored. However, you may sponsor your parents, and they can, in turn, sponsor their brothers or sisters, who may then petition for their children. But this route would be too circuitous and time-consuming. Further, if the sponsor were to die, the application automatically ceases to be in effect.

## **From Residency to Citizenship**

This process normally involves first obtaining residency rights in the country of your choice and then residing in that country for the stipulated period which qualifies you to apply for citizenship. This period can entail a wait of upto six years depending on the country you choose. Permanent residency in the United States entitles you to work, do business, and exercise all the privileges of a citizen, except the right to vote.

The important difference between being a citizen and a permanent resident is that the former can sponsor the immigration of certain close relatives which the latter cannot; or, in cases where a permanent resident can sponsor a relative (e.g., a spouse), there is a waiting period involved since relatives of permanent residents are in lower preference categories. (For a more elaborate discussion of this, please refer to the chapter on the US.)

## **Agencies and Lawyers**

These do have an important role to play, especially if your application is complicated. Normally, marriage and close relative petitions are

the easiest, and you would probably be able to handle the matter yourself. Even if you hire a lawyer, the fees should be in the range of US\$ 2,500 – 3,000. If you are planning to go on a business/investment visa available in Canada, Australia, New Zealand, US or UK, you would almost certainly need a lawyer or an agent to organize the investments and frame an attractive and credible business proposal that can lead to your residency. Especially in Canada and Australia, you will require assistance to locate the states that are amenable to your proposal. The fees will vary and could be anywhere between US\$ 3,000 and \$ 20,000 depending upon the nature of work and complications involved. Generally speaking, not more than 33% of the fees should be paid upfront. Negotiate a lower advance of, say, 10%, if possible, and pay the balance as the work progresses. Your lawyer should keep you informed at regular intervals regarding the status of your application.

Lawyers can be most helpful in handling employment visas, whether for Canada, Australia or the US. Particularly in US, you would require the services of a lawyer if you are going in for Labour Certification which leads to permanent resident status. The fees in such a case are, of course, much lower than for a business proposal — from as little as US\$ 7,0 for a simple one-year (renewable) work permit to as much as US \$ 10,000 for complicated Labour Certification cases. Normally, such fees should be paid by your prospective employer. You should agree to meet/defray these expenses only if you are not able to find any employer who is willing to bear them.

Immigration laws are complicated in many countries and you will need a lawyer even if you feel you would rather do without one. This does not mean that you should retain just any lawyer or agent. Beware of those who make extravagant promises, especially if they ask for

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substantial amounts in advance, If the deal being offered looks too good to be true, it probably is.

Now-a-days, many immigration lawyers/consultants advertise their services in newspapers, magazines and on the internet, offering free initial assessments of points to determine preliminary qualification, especially for countries like Canada, Australia and New Zealand. In this context, a particular case is worth mentioning. An associate of ours, Pawan Bhagwat, had sent his resume to three lawyers in Canada for free assessment. All three of them confirmed that he had passed the points test. He then sent the resume to another Canadian lawyer, who advertised very reasonable rates, but charged US\$ 50 for the initial assessment. This lawyer informed him that he did not then possess the required number of points. The transaction thus ended there and the only expense incurred was US\$ 50. But not everyone is as lucky.

In India, there have been numerous cases of gullible people being taken advantage of by unscrupulous agents who guarantee them a work permit and hold out the prospects of a much higher standard of living. The agent takes the money, and at best what you get is a one-way ticket. You are then left to fend for yourself in an alien land — be it in the Middle East, the Far East, Germany or Canada, with no job — and probably no money either.

A good lawyer, on the other hand, could save you many times his fees by:

### Facilitating Your Application

Whether for an employment visa or a business one, the faster you are able to get your residency, the better off you will be.

### Framing Your Proposal in a Manner Most Advantageous to You

A lawyer would be informed about the latest laws, policies, rules, and guidelines and able to

utilize his specialist knowledge while making your application. Discretionary powers of officials and alternate interpretations would probably be exercised in your favour when a well-connected and knowledgeable lawyer is handling your case.

### Giving You Confidence that Your Application Will Probably Succeed

Rather than being left in limbo, you could instead plan with a reasonable degree of certainty. Lawyers cannot guarantee success — in the US they are prohibited by law from doing so — but you can certainly enquire about their success rate in handling applications of the sort they are making for you.

### Relieving You of the Paperwork

Your application would be made at the correct office and it would move through the right bureaucratic channels.

This book does not and cannot be substitute for a good lawyer. It 41, however, enable you to talk intelligently to one. It also gives you an overview of the different destination and category options available to you.

### Note

For advice on the right answers to frequently asked questions at-visa interviews, and other immigration enquiries, you could contact Sudhir Shah, the Indian member of the Global Chain of Immigration Attorneys.

E-mail: [rupa@qiasbm01.vsnl.net.in](mailto:rupa@qiasbm01.vsnl.net.in)

You could address your letters to:

Gangway, Diaspora  
*The Economic Times* on Sunday  
7 Bahadurshah Zafar Marg  
New Delhi 110002

## Guidelines for Preparing and Presenting Your Resume

If you are interested in finding employment in your country of destination either before or after you arrive there, a properly prepared resume can be as effective in making contact with potential employers as are your passport and visa stamp in getting you past immigration officials. However, bear in mind that your resume will not secure you a job; it will only get you an interview. If your resume is successful in accomplishing this, it has served its purpose. The interview is the time and the place to elaborate on your experience, accomplishments and capabilities which you have mentioned in your resume.

A good resume that elicits a positive reaction is neat, error-free, looks professional and is printed on high quality, neutral-toned paper stock: white, ivory, or even a very muted, pale pastel shade is recommended. Using loud, brightly-coloured paper to attract attention usually works against you, since by and large it is considered gimmicky. Although having your resume laser printed results in the most polished-looking product, it is somewhat more expensive, especially if you need to make alterations in your resume from time to time to appeal to different prospective employers. An acceptable and cheaper alternative could be to have copies of your resume prepared on a word processor; the important point is that each copy should be individually reproduced and look like an original. Sending a photocopy is not recommended.

The best resumes possess clarity and brevity. Ideally, your resume should not be longer than one page, though it may spill over to a second page if you cannot possibly condense all you wish to say in one page without omitting important aspects of your background. Remember that your resume indicates how well organized you are, and it should be written in a logical, unpretentious,

straightforward and concise manner highlighting qualities which would especially recommend you to the prospective employer. The resume should arouse interest in you and not drown the reader in a rambling array of details.

The lines along which your resume is organized and formatted will depend on your career history and the type/level of position you are aiming for. Generally, your resume should include the main components described below.

### Name

Your name should preferably be centered in boldface type at the top of the page. Beneath this, place your present address and telephone number. If your mailing address is different, then symmetrically balance the two addresses at the left and right margins of the page. Whatever you do, do not put a heading at the top of the page such as 'bio-data', 'resume', etc. Not only does this detract attention from your name, but if the reader can't tell that he is looking at a resume, you had better go back to the drawing-board and try again.

### Employment Objective

This states the type of position you are seeking. It can be as broad or as specific as you want, the type of position you are interested in should be made clear right at the outset.

### Skills

If there are any required for or specifically related to the job performance which you possess.

### Employment Record

Emphasize your experience, responsibilities, and accomplishments most relevant to the position you are applying for. Basically there are two ways in which you can design this part of your resume:

- Functionally, in descending order of interest to your prospective employer, list the areas

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and describe the specific assignments in those areas which you have worked in. Then list in reverse chronological order the companies you have worked for; and the dates.

- Chronologically by job. Starting with the most recent, list your employers, types of firms, job titles, and the tasks you performed for each.

Although the style you choose will be influenced by your employment field and individual history, generally we recommend a combination of these approaches, which indicates chronologically the jobs you have held, and also summarizes the functional responsibilities connected with each job assignment.

### Educational Qualifications

Starting with the first degree earned, indicate the type of degree, name and location of the educational institution, and year of completing each degree. If you did not complete a course, then state the number of years you attended the institution and your major area of study. You should also list other *significant* job-related courses or programmes of study in chronological order. Reference to secondary school education is normally omitted if you have any higher educational qualifications.

#### Note

If you are a first-time job-seeker; or have little in the way of job experience but have a strong academic background, then place this section before your employment history to give it more emphasis. You might also indicate your scholastic excellence by including any honorary societies you may have belonged to or academic awards you have earned.

### Memberships or Professional Affiliations

Again, list these in chronological order of joining, but restrict these to ones related to your

field of work, or limit to those you think are truly relevant. Preferably, you should only include organizations that are career-oriented or to which you have made a significant contribution.

### Personal Data

It is not necessary to provide details of your nationality, ethnic background, religion, age, marital status, physical characteristics, or interests. In our opinion, these are better omitted, unless you want to include certain interests, avocations or hobbies which throw a favourable light on your extra-curricular activities or show you as a well-rounded personality. The choice is yours, but if adding this section results in your resume exceeding one page, leave it out. Instead, if you feel that your prospective employer should be aware from the outset of your personal details, include them in your accompanying letter.

### References

These should not form part of the resume itself, but should be prepared on a separate sheet. List only those references you have checked with earlier and who have agreed to be contacted. Then simply state, as the last line of your resume, that references are available on request.

If you encounter difficulty in putting together your resume by yourself you may find it necessary to resort to a professional resume-writing service. In the US, their fees can run from US\$ 50 to 200 (including printing), but this may be a worthwhile investment. However, you must be the final editor, since you are the one who will have to back up what is contained in your resume in case you are called for an interview.

Once you have a decent resume you are happy with, what do you do with it? That depends on your approach. You may choose to use it as generic bait and mail it out in whole-

sale batches to every possible employer whose address you can lay your hands on, or you may use your resume as a precision instrument and specifically tailor it to fit each particular job opportunity that arises.

Whatever method you use, your resume must be accompanied by an individually written covering letter. This letter should emphasize your interest in the company and that you are

Applying because you believe your qualifications and experience are particularly appropriate. To elaborate on this, you should provide more detailed information on some of the points in your resume. If you are answering a specific advertisement which calls for certain particulars such as salary expected or other items not stated in your resume, these should be included in the letter.



## OF PASSPORTS & TRAVEL FORMALITIES

**O**nce you have decided to go abroad, in addition to obtaining the relevant visas which are discussed in the ensuing chapters, you will have to take the following preparatory steps:

- Apply for and obtain your passport.
- Buy a ticket to your destination.
- Comply with certain regulations, including those governing foreign exchange.

### Passport

The normal time it takes to obtain a passport is six weeks, but in reality your application could remain pending for a long time and at times, it might be well over six months before you are issued a passport. Therefore, make sure you apply for one well in advance of your intended departure. In fact, irrespective of your travel plans, it helps to keep a valid passport with you. In case the opportunity to go abroad comes up suddenly, you would not want to be held up for lack of a passport!

In addition to the completed application form, you must also submit the following items to your nearest regional passport office:

- The prescribed fee, which is as follows: **For a 36-paged passport:** Rs. 300 for a 10-year validity and Rs. 600 for a 20-year validity. **For a 60-paged passport:** Rs. 500 for a 10-year validity, and Rs. 800 for a 20-year validity.
- Six photographs (35 mm x 45 mm).
- Your birth certificate (photostat).
- Proof of residence (e.g., voter's identity card, ration card, etc.).
- Certificate of educational qualifications.
- **If you require a passport, urgently, then you need a verification certificate (preferably from a Government of India officer, not below the rank of Deputy Secretary, or a First Class Magistrate).**

Although a wife name can be entered on her husband's passport, and the names of minor children on the father's or mother's passport, this is not advisable because many foreign diplomatic missions require each person travelling to possess a separate passport.

**If you are denied issue or renewal of a passport, you are free to make an appeal. Your travel agent could also assist you in obtaining**

your passport. His services for this should be *gratis*, especially if you plan to buy your ticket from him. You should remember that he will be making a commission on the sale of the ticket.

## Airline Tickets

Due to stiff competition among airlines, it is possible to obtain very cheap tickets on most international sectors — an important factor if you are travelling on a budget. All airlines offer substantial discounts through their travel agents. So do scout around a bit.

At one time it was cheaper to obtain tickets from abroad. This is not so now. Tickets bought in India are anywhere between 10% to 25% cheaper than elsewhere in the world.

For example, the difference between a return ticket to New York and London is very little, as much for 14 hours of extra flying time. It would therefore prove worthwhile to plan a trip to the US as well if you are on your way to Europe.

## Baggage

- On an average, you are entitled to a free checked-in baggage allowance of 30 kg if travelling *first class* or 20 kg if travelling *economy class*.
- Infants for whom you have paid 10% of the regular fare are not entitled to any free baggage.
- If you are travelling to the US on *economy class* you would be allowed to check in two bags regardless of their weight, provided that the sum of the dimensions (length + breadth + height) of both does not exceed 270 cm, and each individually does not exceed 158 cm.
- In *business class*, the only restriction is that each baggage individually should not exceed 158 cm.

- The hand baggage should not exceed 115 cm in dimension, so that it can fit under your seat. The allowance is the same, whether you are travelling by *business class* or the *economy class*.
- Airline rules are generally flexible, and if you make a request they just might waive off excess baggage charges especially if you don't exceed your allowance by more than 25%. However, you must be prepared to pay, if necessary, so be sure to keep enough money on you to cover such charges.
- Charges for excess baggage may vary. For the US, there is a charge of Rs 4,000 per piece of excess baggage. In the case of Europe, 1.5% of normal economy fare is charged, per kg of excess baggage.
- If you feel that you might have a lot of extra baggage (which would obviously be the case if you are changing residence), then you should find out details of charges in advance from your travel agency. You should also consider the alternative of sending your baggage by air cargo. This may be less convenient but you could get your belongings to your destination at half the cost of accompanied baggage.

### Note

A word of caution regarding your checked-in baggage allowance. The regulations governing free entitlements often differ from airline to airline and from sector to sector, which can cause a great deal of confusion for the unvarying traveller. Therefore, to avoid any unpleasant and costly surprises in the form of excess baggage charges during your journey, when you buy your ticket do check with the airline or your travel agent to ascertain the particular baggage allowance rules applicable to the sector(s) on which you will be flying.

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You should also be aware that you cannot carry any corrosives, explosives, inflammable or other dangerous materials either on board or as checked baggage. Besides being illegal, you would be liable for criminal and/or civil action against you. **If** you are in doubt regarding restrictions on any article, please check with your airline. Airlines can also refuse to carry baggage which is unmarked or otherwise unsuitable, e.g. if it is poorly packed.

The liability of the airline for lost or damaged baggage is limited. It may be worth taking out an insurance at a nominal cost if you feel your possessions are very valuable. **If** baggage is

lost, the airline normally takes a maximum of 45 days to compensate the passenger. **In** case of damage, *make sure you file your claim before you leave the airport*. The damaged item is either repaired or replaced by the airline, and if it is an electronic piece, then 10% depreciation per year is deducted, and 85% of the cost is paid if the object is 2 years old.

People leaving India are also subject to having their luggage inspected by the Customs. This checking is nothing in comparison with what you face on your return to India, but you should be aware of the fact that there are restrictions on carrying out gold and silver other

### World Service Authority

The World Service Authority (WSA) may be of interest to you if you would like to obtain additional documents which might prove useful in your travelling. This organization basically functions as a private issuer of:

- Identity cards,
- Birth certificates,
- Marriage certificates,
- Passports, etc.

Although these passports have been officially recognized by only six nations (Togo, Mauritania, Ecuador, Zambia, Tanzania and Burkina Faso), WSA passport holders have gained entry into over 140 countries, including Australia, Brazil, China, Canada, Germany, Hong Kong, Japan, Lebanon, Mexico, New Zealand, Pakistan, Portugal, Saudi Arabia, Singapore, Sri Lanka, Switzerland, Thailand, the UK, the US and Russia. The passport is a 40-page document printed in seven languages : Russian, English, Spanish, French, Arabic, Chinese and Esperanto —and has assisted people travelling to Eastern Europe and the Middle East a great deal. The cost of passport issuance is as follows: For a 3 year validity period, \$45, for a 5 year validity period, \$75 and for an 8 year validity period, \$100.

This passport can serve you well as a secondary travel document since it is politically neutral. The purported aim of the WSA is to promote unrestricted travel as expressed in Article 13(2) of the *Universal Declaration of Human Rights* which provides for freedom of travel.

The WSA passport does not guarantee your admittance to any country. You have to obtain visas, which again, irrespective of the passport you hold, may only serve as a permit to apply for admittance at the port of entry.

The WSA addresses are:

- World Service Authority Suite  
1106, 1012-14th Street, NW  
Washington, D.C. 20005  
Tel: (202) 638-2662  
Fax: (202) 638-0638
- World Service Authority  
8th World District  
#108 4-5-2 Numabukuro  
Nakano-Ku  
Tokyo 165, Japan  
**Tel: (81) (33) 319-5170**  
**Fax: (81) (33) 319-5127**  
**Email: [worldcitizen@compuserve.com](mailto:worldcitizen@compuserve.com)**

than jewellery, foreign currency except as authorized by the Reserve Bank of India, Indian currency, and a range of other items. These regulations would normally not pose any problem for you if you are carrying bona fide personal baggage.

### **Foreign Exchange and other Requirements**

For Indian tourists, the Reserve Bank of India sanctions upto US \$3,000 for one calendar year. For businessmen, the RBI allows US \$350 per day for a maximum of 45 days, till the General Manager level, and US \$500 per day for a maximum of 45 days, for all positions above. An additional amount of US \$2,000 can be obtained as entertainment allowance. For students, too, the RBI grants foreign exchange, generally limited to US \$500-1,500, unless special sane-

lion has been sought and obtained. For emigration, you are granted upto US \$3,000, per member of the family, or the amount specified by the country of emigration, based on documentary evidence. If you are going for employment abroad, you are allowed up to US \$2,500, per person. In addition to the foreign exchange available to you through the RBI, you can buy foreign exchange worth up to \$50, per person, at the airport when departing from India.

You should also check up on the latest vaccinations and inoculations that need to be done at least ten days prior to your leaving the country.

If you are going abroad permanently, you also have to obtain a clearance from the income tax department stating that you have no outstanding dues with them. Their clearance certificate has a validity of only one month. So it would be futile to obtain it much in advance.



# THE UNITED STATES OF AMERICA

**T**he reasons for beginning this part of the book with the United States stem from the fact that the US is today the world's greatest economic power and the American dollar, the world currency. Besides, having assumed the role of 'guardian' of the free world it is also the dominant trading partner for most countries. A boom in the US brings cheer to Europe, Japan and the Far East as well as many other countries. A recession in America causes shock waves throughout the world. An annual budget of \$1.7 trillion, only serves to emphasize the tremendous capacity the US economy possesses.

The US is home to one of the largest immigrant populations in the world. In fact, aside from the miniscule percentage of the native Red Indians the entire American population is immigrant. As a result, there is far less social discrimination in the US than in Europe or Asia. Immigrants are still more welcome in America than in any other country in the world.

During the past decade, immigration from Asian countries, has been at its peak. More people from Asia are taking up residence in the

US than from any other part of the world and constitute 34% of all the immigrants. A generation ago most immigrants came from Canada and Europe, but now the majority come from Mexico, India, Vietnam, the Philippines, Korea, China and the West Indies.

Also, Asians are doing extremely well in America and their standard of living is much better than average. With the possible exception of the Japanese, Indians have, in fact, done better than any other group of immigrants, having an annual median family income of \$30,000-\$35,000. The educational background of Indian immigrants has definitely contributed to this success. Almost half of them are either professionals or executives. Moreover, the proportion of Asians, especially Indians, enrolled in the various prestigious colleges in America — Harvard, Cal Tech, MIT Columbia, Stanford — is much larger than their population percentage would justify.

The US offers by far the greatest potential for individual advancement. It provides opportunity, a relatively discrimination-free atmosphere and security. In fact, once you get a Green Card you will not be asked to leave the

country. No such security exists in countries in the Middle-East, for example. In addition, after a Green Card or permanent residency status in America, you would be free to pursue whatever activity you want. The streets of New York are by no means paved with gold, but America still affords a newcomer the greatest prospects. The number of self-made men and women in America is certainly higher than anywhere else in the world. What you can accomplish is entirely defined by your own capability.

The US also boasts of one of the world's fastest growing economies. Unemployment at around 4.3% is less than that in any other country in the western world, and the standard of living is very high. As an Indian, emigrating to the US would be the surest and quickest way of making an immediate improvement in your economic condition.

America offers tremendous financial benefits and rewards. On the one hand income is higher and on the other, expenses — at least, for mass-produced items — are lower. Of course, inexpensive domestic help to which Indians are so accustomed, would not be available simply because if there is anything that commands a premium in the US, it is human labour.

Therefore, given a choice, it is little wonder that most people emigrate to the United States.

## Procedures and Strategies for Immigrants and Non-Immigrants

There are two types of visas for going to the United States.

Firstly, there is the *immigrant visa* which enables you to obtain a permanent resident visa upon reaching the US. The *immigrant visa* would be available to you only if you have relatives already residing in the US, or if you belong to certain other categories, which we shall discuss later.

However, the more common method of reaching the US is to go on a *nonimmigrant visa*. As its name implies, this is a temporary visa which would be issued to you if you wish to visit America for pleasure, study or business, etc.

After giving you details about the various categories of *nonimmigrant visas*, we will then explain how you can get a change of status from one visa category to another while in the US, which would result in your ultimately becoming an US citizen.

### Visa Fees

A non-refundable fee Of US\$ 260 is charged for each immigrant visa application. The fee for visa issuance is US\$ 65. Fees must be paid per person, regardless of age. The Immigration and Naturalization Service (INS) charges additional fees for filing petitions.

## Immigrants

Persons immigrating to the United States are divided by the US immigration law into two general categories:

1. permanent residence status without numerical limitation, and
2. Immigrants who are restricted by an annual limitation on the number of persons who may enter as permanent residents.

### Immigrants Not Numerically Limited

The three categories of immigration which are not subject to numerical limitations are:

- (a) Immediate relatives of US citizens
- (b) Returning residents
- (c) Refugees and political asylum seekers

#### • Immediate Relatives of US Citizens

No numerical quotas exist for immediate rela-

tives of US citizens. These immediate relatives may be the spouse, widow(er), minor, unmarried children of a United States citizen, or the parents of an United States citizen who is over the age of twenty-one.

### **Spouse**

If you marry a US citizen, you can be in the US within a few months. However, if you marry a permanent US resident or Green Card holder, then you are subject to a quota under the family preference, which is discussed later. As such, you may have to wait in India for over two years before gaining entry into the US. So make sure you understand the distinction between a US citizen and a permanent US resident or Green Card holder.

A provision in the Marriage Fraud Act passed in 1986 further stipulates that if you marry while deportation proceedings are in progress against you, then you have to spend two years outside the US prior to gaining entry as a spouse of a US citizen.

### **Widow(er)**

You should have been married to, and living with, your spouse at the time of his/her death.

### **Children**

A child would qualify if he/she falls within the definition of the US immigration laws. The following conditions have to be fulfilled:

- The child should be under 21 years of age.
- The child must be legitimate.
- Even if the child is not legitimate, the child can still qualify if the mother is the petitioner, or if the father legitimizes him/her.

### **Parents**

Likewise, children who are citizens of the United States may file an immigration petition for their parents. This, however, can only be done if the petitioning child is over 21 years of

age. Thus, it is evident that parents wanting to emigrate to the US immediately would not in any way gain by having their child born in the United States, as they would have to wait until the child became 21 years old.

### **• Returning Residents**

Immigrants who have lived in the United States previously as lawful permanent residents and are returning to live there after a temporary visit of more than one year abroad are also not subject to any numerical restrictions.

### **• Refugees and Political Asylum Seekers**

We would like to point out at the very outset that very few people are considered for permanent residency under this category (especially Indians and other Asians).

America provides an escape for those facing persecution in their own countries as defined by the Refugee Act of 1980. Refugees are people from outside the US who cannot return to their homeland because of being subjected to active persecution or being in fear of such persecution caused by differences in race, religion, creed, national origin or political beliefs. Refugees may also be persons who have been forced to flee their country due to civil or military disturbance or natural catastrophies. Only those aliens who are physically present in the States or at its border may be given asylum.

In most cases, a refugee becomes eligible for permanent residence after being physically present in the US for one year after the grant of asylum, if he/she still qualifies as a refugee.

### **Immigrants Subject to Numerical Limitations**

Starting 1995 and subject to transitional laws, immigrants subject to numerical limitations are limited to 675,000 persons per year.

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Four family preference categories, five employment preference categories and the category of diversity immigrants have been established by the US government for immigrants subject to numerical limitations:

- (a) Family-sponsored immigrants
  - 1. Family first preference
  - 2. Family second preference
  - 3. Family third preference
  - 4. Family fourth preference
- (b) Employment-based immigrants
  - 1. First preference: Priority workers
  - 2. Second preference: Professionals
  - 3. Third preference: Professionals, skilled and unskilled workers
  - 4. Fourth preference: Special immigrants
  - 5. Fifth preference: Investors
- (c) Diversity immigrants.

### • FamilySponsored Immigrants

Family-based preference categories subject to the numerical limitation are as follows, with minimum preference limits in parenthesis.

- 1. Family First Preference: (23,400)  
Unmarried children of US citizens over 21 years of age. (As already mentioned, if you are an unmarried child below 21 years, then you would not face a numerical quota).

*Unmarried means you are not married at the time of filing your petition and at the time your petition is approved.* Therefore, you would be eligible to petition if you are a divorcee or a widow(er).

The following unmarried children are also eligible:

- Illegitimate sons and daughters if legitimized by the US citizen father before they attain 18 years of age.
- Stepsons/daughters if the marriage conferring the "step" relationship occurred before they were 18 years old.

- Sons and daughters adopted prior to their attaining 16 years of age and according to the laws of the country in which the adoption took place.

If you marry before your petition to attain permanent residence is approved, your category would change from family first preference to family third preference.

### 2. Family Second Preference: (114,200)

Those falling under this preference category are:

- Spouses,
- Minor children, and
- Unmarried sons and daughters of lawful permanent resident aliens.

#### Note

At least 77% of all visas available for this category will go to the spouses and minor children, the remainder will be allocated to unmarried sons and daughters.

**(a) Spouses of Permanent residents (as compared with spouses of US citizens, who do not face a numerical quota):** It is not quite as easy to get permanent resident status for spouses of permanent residents as it used to be. The Marriage Fraud Act was passed in 1986 to curb entry by means of marriages taking place only for the purpose of securing immigration. Earlier, if you married a permanent resident, you would have been eligible to become a permanent resident upon availability of a visa number under the family second preference. Now you will be merely granted conditional residence status for two years.

To acquire permanent residency, you have to apply for it within 90 days prior to the end of the two year period. You will then be interviewed, by the authorities to ascertain that your marriage is still valid. If your marriage has been annulled or terminated for any reason other

than the death of your spouse, you become liable for deportation unless you apply within the stipulated time and can show:

- that your marriage was entered into in good faith and was terminated by your spouse for valid reasons, or
- extreme hardship.

If you are contemplating marrying a US-based person and moving to the States, do confirm the status of your prospective spouse since many Indians residing in the US can attain citizenship but prefer to remain permanent residents. In such a case, it would facilitate your gaining permanent residency/citizenship if you can persuade your fiancée to acquire citizenship. Then you would neither be hampered by numerical quotas nor be barred from entering the US.

(b) **Unmarried sons and daughters of permanent residents (whether over 21 years or not):** Don't marry

during the period in which your petition is pending or you will lose your second preference standing. If your parents, in the meantime, become citizens, you would still qualify under the family third preference. However, if your parents do not plan to acquire citizenship in the near future, you would do well to postpone your marriage until after you have obtained your own permanent resident status.

### 3. Family Third Preference:(23,400)

Those falling under this category are married sons and daughters of US citizens and their spouses and children. If you are applying under this preference and your marital status changes to *unmarried* while your petition is being processed, then your petition could come under the family first preference.

### Circuitous Methods and Precautions

If your brother or sister is already a US citizen, one way to gain faster entry into the US is to ask your sibling to first petition for granting permanent resident status to your parents. This would immediately be granted since no numerical quota applies. If you are married, your parents can file a family second preference petition for you as soon as they arrive in the US. This circuitous route may considerably cut down the time required to get you permanent US residency because family second and third preference category visas are available much sooner than family fourth preference visas. Thus, if this situation continues, the circuitous route could provide you entry into the US in about two years instead of the much longer time it would take under the family fourth preference petition. Moreover, you would be protected in case something were to happen to your sibling.

As far as possible, you should take the follow-

ing precautions:

- Ask both your parents to petition for you, so that in case, God forbid, one of them were to die, you would not have to start the process all over again.
- Again, there is no harm in your brother/sister filing a petition for you while, at the same time, you are attempting the sibling-parent-child route. This is advisable since under US law a person can have a number of petitions pending simultaneously. Moreover, in case one of them results in permanent residency being granted, the others would automatically come to an end. Therefore there is absolutely nothing to lose by having **two**—or even more—**relative** petitions pending. These would only serve to increase the probability of your gaining entry into the US and build safeguards along the route to permanent residency.



#### 4. Family Fourth Preference: (65,000)

Brothers and sisters of United States citizens and their spouses and children come under this category. The US citizen must be 21 years of age or over. Petitions filed under this preference normally have a backlog of a number of years because this preference category is the most used avenue for gaining permanent residency/citizenship by Asians, especially Indians. Attempts to eliminate this category have so far been successfully blocked due to the efforts of Asian, particularly Indian, lobbying groups.

#### Application Procedures for Relative Petitions

You should carefully follow the procedures set out below to maximize your chances of having your petition granted immediately on the first attempt.

The US citizen or permanent resident who is petitioning on your behalf must file a Form 1-130, Petition for Alien Relative, with the US Immigration & Naturalization Service (INS) (This form is given at the end of this chapter). If, however, your petitioning relative is a US citizen who is living outside the US, he/she can file the petition at the consulate where he/she resides. Along with this form, supporting documents must be submitted to prove the petitioner's relationship to you. These include:

- Marriage certificate and divorce papers, if applicable.
- Yours and your petitioner's birth certificates.
- Evidence of your petitioner's US citizenship or permanent resident status, namely Green Card or Form 1-151/ Form 1-551. This particular document has to be submitted in the original, while your relative can file the originals or certified photocopies of all the other documents. (Certification has to be done by an INS or US consular officer.)

After Form 1-130 has been approved, a notice to this effect will be sent to you in the country of your residence and a copy will be

sent to your relative who petitioned for you. Some months before the visa is expected to be 'issued', you will be sent some forms to fill out and send to the consulate. The American Consulate in India will inform you of the interview date. You will be required to sign the Application Form 230 and fill up the last part under oath in the presence of the US Consul. The following documents are required along with Form 230.

**a. Passport:** Your passport must be valid for at least six months past the date on which your immigration visa is issued.

**b. Birth certificate:** If you were born before 1969, you may, if you do not possess a birth certificate, submit a certificate of non-availability and other evidence of your birth such as a matriculation certificate. In all other cases, you need to submit a birth certificate.

**c. Police certificate:** You must submit a police certificate from each locality, outside India, where you have lived for over six months after attaining the age of 16. This is a requirement for each immigrating family member except those below 16 years.

**d. Court records:** If any.

**e. Military certificates:** If applicable.

**f. Photographs:** Three 1.5" square, colour photos with the right ear visible.

**g. Marriage certificate:** Also, evidence of termination of marriage by death or divorce, if applicable. If your marriage certificate is not available, you may submit a certificate of non-availability from the marriage registrar and other such evidence of the marriage such as certificates or letters from persons having first-hand knowledge of your marriage. In case either yours or your sponsoring relative's marriage has been terminated, evidence of this must be submitted as well. If you are divorced or separated and have any children under 18 years, documentary evidence showing who has legal custody must be provided.

**h. Affidavit support or employment offer:** The US Immigration law requires a contractually binding affidavit of support (Form 1-864), which has been signed by the petitioner, and properly notarized, to be submitted by all applicants for immigrant visas in the categories listed below:

- All family-based immigrants, including adoptees; and
- Those employment-based immigrants who are petitioned by a relative or by a business in which a relative has significant ownership interest.

All other cases must use the Form 1-134 if an affidavit of support is needed. (Both forms are given at the end of this chapter).

The National Visa Center sends the Form 1-864 (see sample at the end of this chapter) directly to the petitioner for completion.

The affidavit is to ensure that you will not become dependent on the US government for support. However, if you have some employment lined up, this affidavit is not necessary. Instead, your employer will have to complete a State Department Form indicating your designation, salary, period of employment and other related details.

i. **Medical examination:** you have to undergo this irrespective of age, and the medical report must be completed by the examining physician on the prescribed Form FS-398. You will receive a list of approved physicians from the US Consulate or Embassy.

If you are suffering from a contagious disease or if you have severe mental or physical impairment, you may have to begin treatment or file a *Waiver of Excludability* form.

**Note**

The new filing fee for a Petition for Alien Relative is US \$110 and not US \$75 as mentioned on the Form 1-130, which has been reproduced at the end of this chapter.

• **Employment-Based immigrants**

A total of 140,000 immigrant visas are available yearly for this category, which is divided into five preference groups (percent of yearly limit in parenthesis).

**1. First Preference: Priority Workers (28.6%)**

This is divided into three subcategories: i) persons of extraordinary ability in the sciences, arts, education, business, or athletics; ii) outstanding professors and researchers and iii) certain multinational executives and managers. Labour certification is required.

**2. Second Preference: Professionals (28.6%)**

This includes professionals holding advanced degrees and persons of exceptional ability in the sciences, arts and business. A definite job offer from an US employer, specifically to work in the field of expertise, is required. Labour certification is needed in most cases.

**3. Third Preference: Professionals, Skilled and Unskilled Workers (28.6%)**

This includes professionals holding bachelor's degrees with less than five years of work experience, skilled workers with at least two years experience and other workers whose skills are in short supply in the United States. (Unskilled workers are subject to a sublimit of 10,000 visas per year).

**4. Fourth Preference: Special Immigrants (7.1%)**

The current special immigrant categories are:

- Religious workers for legitimate religious organizations.
- Former employees of the Panama Canal Company.
- Foreign workers who were formerly long-time employees of the US government.
- Retired employees of certain international organizations, their spouses and unmarried children.

- Certain members of the US Armed Forces.

Each year, a total of 10,000 green cards are available for this quota. No more than 5,000 of them can go to religious workers.

#### 5. Fifth Preference: Investors (7.1%)

This applies to persons who create full-time employment for at least ten unrelated American workers by investing capital in a commercial enterprise in the United States. The investment depends on the employment rate in a geographical area. The minimum amount of capital required is \$500,000 if the business is located in a rural or economically depressed area of the US. For all other areas, the minimum investment is \$1 million.

There is a limit of 10,000 green cards per year for investors, not including accompanying relatives.

#### Employment in the US (Labour Certification)

All first, second and third preference employment-based immigrants need to obtain a Labour Certification from the US Department of Labour. The first step in the Labour Certification process is to locate an employer who would be willing to hire you and would also be willing to go through all the formalities. Of course, it may help you if you can reimburse all costs to your employer incurred in obtaining the labour certification. In most cases such costs would vary from \$3,000 to as much as \$10,000 in complicated cases. An application is made on a DOL Form ETA 750, which comes in two parts: Part A and Part B. Part A is filled by the employer, and should consist of documentary evidence of the following:

- There are no qualified workers in the US able and willing to do the concerned job: The employer must be able to show that workers in that part of the US are not available to fill the position. Also, prior recruitment efforts must be documented and shown.

- Working conditions and remuneration of similarly employed US workers will not be adversely affected by your employment.

- The formalities of the job description and minimum requirements: The employer must also have documents on the "minimum requirements", which can be and usually are in the form of affidavits stating that the employer in fact has these requirements for the position to be filled by the prospective immigrant.

- Then the employer must obtain the prevailing wage rate from the local State Employment Service Agency.

- Accounts showing the employer's ability to pay the prospective immigrant.

- Company brochures and literature.

Part B of the form is filled by the employee, and should consist of the following:

- Certified copies of diplomas/degrees and other relevant qualifications.
- Letters from past employers.
- Any awards ,earned by the candidate supporting his professional ability etc.

The whole package *per se* is sent to the local office of the State Employment Service, in the area where the work will be performed. The appropriate regional office of the Department of Labour then gives its ruling and issues a Notice of Findings or a Certification. This notice of findings is invariably and essentially a denial and provides a time frame within which to file an appeal, or what is commonly known as a *rebuttal*.

Now the new minimum requirements may be set — wages revised, etc. and new advertisements released. After this the rebuttal is made. If this also results in a denial of the application then an appeal to the Washington DC Administrative Law College can be made.

Jobs don't always come tailor-made for the prospective immigrant. If the US employer specifies such low wages or such conditions that no one

### Note

We wOuld advise you not to attempt Labour Certification without competent legal help. Hiring a good lawyer will save you a great deal of trouble. You should also realize that in the US, time is money, and the benefits of saving time need not be enumerated. Labour Certification, in most cases, wOuld take months or up to 180 days for completion, i.e. from the application stage to obtaining permanent residency.

in the US would apply, the Department of Labour would declare these as unduly restrictive and that would be the end of that particular petition. Therefore, great care has to be taken while filing the petition and establishing its genuineness.

### • Diversity Immigrants

The Immigration Act of 1990, created a new green card category to encourage ethnic diversity in the US population. The Diversity Lottery allots 55,000 visas annually to persons selected at random from countries with low immigration rates to the US. The list of countries is revised every year. There is a separate registration for each year's visas. Information on registration for the lottery is announced each year by the US State Department. Among other countries, India has been excluded from the list due to its 'high admission' rate to the US. (There have been more than 50,000 immigrants from India in the last three years.)

## Permanent Residency and Citizenship

In the section on immigration, we have outlined the various ways by which you could become a permanent resident. A permanent resident is commonly known as a Green Card Holder.

The Permanent Resident Card (as it is called now), was formerly known as the Green Card or the Alien Registration Receipt Card. (Its original green colour has also been changed to pink.) It bears the number 1-551 and is proof of your being in the US legally as a permanent resident. The law requires you to carry it at all times if you are over 18 years of age.

If you are a permanent resident (Green Card holder), then you may apply for citizenship (naturalisation) if you fulfil the following conditions:

- You are at least 18 years old.
- You have lived in the US continuously for a period of five years after obtaining permanent residency status. This period is reduced to three years if your permanent resident status arose because you married a US citizen and your marriage is ongoing.

- During your mandated period of stay, you did not leave the US for trips of 6 months or more.
- You are of good moral character.
- You are able to read; write, and speak English and have a knowledge of the government and history of the US. In this regard, you will have to answer some very simple questions.
- You take an oath of allegiance to the United States, and thus show that you are attached to the principles of the Constitution of the United States.

If you meet these criteria, your application may be filed at the Immigration and Naturalization Office, and the US District Court will make the final decision whether or not to grant you citizenship. Applications for naturalisation too, suffer from a heavy backlog.

A permanent resident is entitled to all the privileges that go with citizenship except the right to vote, stand for public office or sponsor certain relatives for immigration. Thus, it is

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very common for one spouse to acquire US citizenship while the other continues to be a permanent resident of the US but a citizen of another country.

# Non-Immigrants

Apart from going to the US on an immigrant visa, the only other way to gain legal entry is on a non-immigrant visa, of which there are several categories. After discussing the various visa categories, we shall go into the details regarding change of status from one category to another and becoming a permanent resident by this indirect method.

Non-immigrant visas are meant for aliens coming to the US temporarily. Any indication of intention to stay permanently in the US would result in immediate rejection of your application. This is because the US does not give for a non-immigrant visa entry to prospective immigrants. US law and its enforcement are such that once you are in the US it would be difficult, expensive, and time consuming to find and deport you. US consulates therefore like to eliminate all potential immigrants while granting non-immigrant visas. Visa applications are typically made at the US Consulate in your country of residence. Of course, if you are an Indian resident abroad, your application for a visa to visit the US can also be made at an US Consulate in the country in which you are currently residing.

## Non-Immigrant Visa Categories

The various categories of non-immigrant visas are denoted by letters of the English alphabet which are taken from various subparagraphs in the US legal code. By themselves these letters do not represent anything — they are not meant as abbreviations. The various important visa categories are:

- B :Visitors, B-1 :Business, B-2 :Pleasure.
- E : Holders of certain countries' passports.
- F : Students.
- H : Temporary workers.

• J, K, L, O, P, Q, R, etc.

A non-refundable application fee of US\$ 45 is charged for all categories of non-immigrant visas.

We shall now discuss each category, giving the procedures to be followed and the formalities to be gone through for obtaining the relevant US visa.

## • B-category: Visitors

There are two types of B visas:

1. **B-1** visa is for those temporarily visiting the US to transact business. This visa, however, is not meant for people who intend to run or operate a business in the US. Entry is normally for a period of 30 to 90 days.
2. **B-2** visa is for those visiting the US temporarily for pleasure. This visit could be for the purpose of meeting friends or family members, hospitalization, obtaining doctor's advice or any other medical treatment, sight-seeing, vacationing, shopping, etc.

You must make your application for a B visa at a US Consulate on the prescribed form which is obtainable at the consulate. A standard form (Form 156) is shown at the end of this chapter and comments on completing it are given at the next page.

## Documentary Requirements

The requirements for the B visa (B-1 or B-2), as regards documents and photographs which you must submit, are as follows:

- A visa application on Optional Form 156, completely filled out.
- Supporting papers such as letters from employers or invitation letters from US citi-

zens/permanent residents and documents establishing your bona fides that you are indeed a visitor and not a prospective immigrant. (Sample letters are given at the end of this chapter). It is important that you submit all the requisite documents for timely processing of your application.

- One full-face photograph: (1.5"x1.5").
- The requisite fees.

After submitting the completed application along with the documents, you would have to make a personal appearance at the Consulate. If you go early in the morning, take care to complete all the formalities, and can prove your bona fides, you may be granted a visa on the same day.

The visa is just a stamp in your passport and would be either a B-1 or B-2 or a joint B-1/B-2. This visa is valid for entering the US within a period of three or more months. This period has nothing to do with the duration of stay in the US, but merely specifies the date up to which you would be allowed to enter the

United States.

At the time of landing, the immigration officials in the US would stamp in your passport the period for which you will be permitted to stay: generally it is six months for a B-2 visa. The visa issued by the Consulate may be good for one or more entries. The effect of this is to restrict the number of times you can enter the US within the time period indicated on the visa stamp in your passport. Europeans and people from certain other countries with a clean record have been granted multiple indefinite visas. Indians, however, would not generally qualify for such liberal visa allowances.

If you want to enter the US more than once (e.g., you may wish to visit Canada or Mexico for some time), it would be in your interest to state this fact at the Consulate (you may also write this on the application form). Otherwise, you may get only a single-entry visa which would necessitate obtaining a new visa for a second entry into the US.

### Notes on Completing Your Non-Immigrant Visa. Application Form 156

The numbered items below correspond to the numbers on the application form (Sample Form 156 given at the end of this chapter). We have only elaborated upon those items which are not self explanatory.

**Item 19:** A separate application must be submitted for your spouse and each child accompanying you, the principal applicant. You must produce evidence that you possess adequate financial resources to cover their expenses (e.g., return air tickets, pre-paid hotel vouchers, letters from your bank and employer etc). Documentation clearly stating that your entire family will return to your own country on completion of the trip is *necessary*. This is especially so if you work for a small company, in which case you might need to submit more supporting evidence of home ties and intent to return. Accompanying family members of a B-1 visa applicant would then be issued B-2 visas.

**Items 20 & 21:** You might require legal advice if

your previous application was denied or if your previous visa was cancelled.

**Items 22 & 23:** You must be able to answer 'no' to these if you are applying for a B-1 visa. If there are any employment circumstances which require explanation, do so in the accompanying letter and tick the 'yes' box on the form.

**Items 27, 28 & 29:** Briefly state the purpose of your trip, the exact date of arrival, and the definite period of stay. This period should be supported by documentation of business appointments, etc. and the accompanying letter from your company should elaborate on the purpose of your trip.

**Item 32:** It is unlikely that you will be issued a B-1 visa if you answer any section of this item in the affirmative.

**Item 35:** If any of the circumstances mentioned here are applicable to you, chances of your being issued a B-1 visa are unlikely, unless you can obtain a waiver. You might require legal help if you answer 'yes' to this item.

After the visa has been granted, you are free to make your trip to the US. However, the immigration officer at the port of entry can again ask you to produce all the documents which you had produced at the Consulate. Therefore, be sure to carry them with you. The immigration officer has the authority to deny you admission if he doubts your bona fides and believes that you intend to remain indefinitely or permanently in the US. In practice, however, it is rare that you would be denied admission at the port of entry once you have been granted a visa by the Consulate. You must, of course, be careful not to carry any papers/evidence (e.g., dated resume along with job applications to companies in the US, job offers, degrees, certificates of experience, etc.), which could raise doubts about your intention to stay indefinitely in the US. If you are really unlucky enough to be denied admission at the point of entry, US law mandates that you can ask for a hearing before a judge, and it would be up to him to overrule the decision of the immigration officer and grant you admission to the US. Until the time your petition is disposed of, you would have to be housed in a suitable, moderately priced hotel (not a jail), with a guard/s. Even then, if you are not admitted to the US, the return journey would be gratis if you do not have a return ticket.

### **How to Get the Visa**

Let us now go over the various requirements of the two B visas. As already stated, the key to obtaining a B visa is to convince the consulate officials that you are not a prospective immigrant and that you intend to return to your own country. The burden of proving that you intend to return would essentially lie with you, as under a certain section of US law, you are presumed to have intentions of staying as an immigrant in the United States. You would have to rebut this presumption, and in order to

do so you will have to produce supporting papers and documents and follow a strategy which demonstrates your bona fides.

Specifically, the following would have to be presented to enable the consulate to verify your bona fides:

### **Itinerary, Programme and Activities while in the US**

This would involve some planning on your part. It would be necessary to outline your programme in the US. You may list the states and cities which you intend to visit, the nature and purpose of your visit, your proposed meetings, and any other details you are in a position to furnish. All these would help strengthen your case.

### **Financial Support Arrangements**

The purpose of showing this is to convince the officials at the Consulate that you have means of support in the US and that you would not need to work or rely on welfare while you are there. You would be asked to show a source of support in the US. In addition to an affidavit of support, letters from various persons in the US offering food and lodging in the places you plan to visit would be helpful. (Samples of letters are shown at the end of the chapter). You may also show arrangements made within the US, such as hotel reservations, proposed car rentals, tour and travel package bookings, flight and transportation arrangements, etc. If you travel to the US on a B-2 visa, then you would be entitled to FTS (as explained in Chapter 3). This can also be stated at the US Consulate as a means of support. It may not be necessary in every case to furnish all the details indicated here, but we always believe in exercising caution. It would be easier to collect all the necessary papers and get the visa on the first try than to have it refused due to inadequate documentation and then have to re-apply.

If you have a ticket which takes you to countries other than the US and you have managed to obtain visas for those countries, this would be taken as additional proof that you have adequate means of support and intend to leave the US after your visit. Visas for other countries may, but not necessarily, reduce the extent of questioning and formalities at the consular level, since the officials may presume that the consulates of other countries have done their job properly.

#### Ties in Your Home Country

These are again indicative of your intent to return home. Ties that bind are an extremely important factor in establishing your bona fides. This could take the form of evidencing that family members, such as your spouse and children, are not accompanying you. Leaving a child behind would be more difficult than leaving your spouse at home because ties between parent and children are considered stronger. For proof of these relationships, marriage and birth certificates would be of immense help.

Business and property are also ties that bind. These would involve showing deeds, corporate documents, partnership agreements, evidence of payment of income tax, and other substantial business or investment connections such as shares, bank balances, etc. You may show documents proving ownership of a flat, house, car, land or even gold and jewellery to further your case. Even if you have a rented house, you could show the lease agreement and indicate that you have no intention of abandoning the tenancy. If you are employed, then your employment contract, if any, or a letter from your employer stating that you have taken leave and that he is aware of your intention to visit the US and other countries would be helpful.

The requirements listed above apply to B-1

and B-2 visas, though in the case of the B-1, the above may not apply so rigorously. However, for the B-1, there are certain other formalities in addition to what has been mentioned. These basically comprise of additional documentation to establish the purpose of your visit. If a corporate executive is travelling with the intention of selling his company's products, making purchases for his company, engaging in negotiations or entering into contracts on behalf of his company, or for any other similar reason, then the correspondence exchanged and copies of the proposed contracts may be filed along with the application. Similarly, there could be documents for other purposes. These would basically consist of correspondence or, if the executive is travelling to attend a conference or seminar, proof of payment of registration fees, brochures, or other related literature. The various activities which could be legitimately carried out under a B-1 visa include:

- Marketing your company's products, including soliciting new customers or taking orders from existing ones, etc.
- Installation, servicing or repair of products sold by your company. You could also come to train employees of the US concern, to which you have sold products, in the repair, installation, servicing or the use of the product.
- Taking part in legal cases, including appearing to defend yourself, engaging lawyers, appearing as a witness; etc.
- Signing or negotiating contracts, including a visit to the US to attend or take part in purchase contract closings, where required.
- Making purchases on your company's behalf. You could visit the US to identify and buy raw materials, machinery, or other goods for use in your country or other countries outside the US.
- Giving advice or consultation of various kinds.

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- Attending meetings, conferences, seminars, conventions, etc.
- Carrying out product research or other research connected with marketing your company's product, soliciting clientele, etc.
- Participating in tournaments or sporting events where no salary or payment other than prize money is involved.

The objective here remains the same: establishing that you do not intend to immigrate to the US. A letter from your employer stating that you will be continuing your employment and are travelling on the employer's business would indeed be most useful.

In addition to the purposes stated above, you could also travel to the US-for incorporating companies; buying shares, property, companies and goods; signing leases and similar agreements; contacting vendors to initiate a new business and engaging in related activities. All of these activities, including making investments and exploring possibilities of opening branch offices in the US are covered by the B-1 visa.

You can of course mix business with pleasure, and there are many visas which bear both the B-1 and B-2 stamps. It is, however, easier to obtain a B-2 visa since the requirements are fewer. Besides being less difficult to obtain, it would also allow you to change your status from B to other categories more easily should you decide to do so. If you have a B-1 visa, your chances of being denied a change in status are greater, and the Immigration Service will seek to deny the change on grounds of prior intent. This is especially so in case you seek to change over to an L or E status. Therefore, if you have the option of going on either a B-1 or a B-2 visa, choose the B-2 or tourist visa.

The procedure and the formalities we have detailed may appear rigorous, but not everything which we have mentioned will be necessary in all cases. If you are young and unmar-

ried, you will certainly face a tough interview at the US Consulate. If you have obtained a US visa earlier or your case is clear, i.e. you have a good job, property, etc. then obtaining a visa may be a mere pre-travel formality.

### • E-Category

This is meant to allow admission of persons who are going to be engaged in business in the US. The investment required depends on the nature of the business, and no fixed amounts have been laid down. These visas, however, can only be granted if there is a Treaty of Commerce and Navigation between the applicant's country and the US. Since India is not a signatory to the treaty, Indians are not eligible for the E visa.

### • F- Category: Students

This visa allows students from different countries to enter the US for further academic advancement. However it is not available to everyone since certain conditions have to be met. The basic condition for this non-immigrant visa is that you must have no intention of staying permanently in the US. To this end, you may be required to prove that you maintain a residence in your own country.

On this visa, you are not permitted to seek employment or work except on the campus itself, and during the summer vacation. Permission is generally not granted to work for more than 20 hours a week. There is also a provision to work off-campus due to some unforeseen and dire economic necessity. It would, however, be possible for you to gain an H-1 (temporary employment) visa after you have completed your study and training period. The requirements of this visa will be discussed later. If you are staying on an F visa after completing your study period, you could obtain permission for

six months (extendable by another six months) of practical training so that you might learn certain skills which theory alone would not teach you. During this period you could thus, practise your profession in the US.

### Condition for F 1 Visa

Certain fundamental requirements for this visa are:

- The institution must be on the 'approved' list of the US Immigration Service, which means that it is authorized to issue the Form 1-20 (shown at the end of this chapter). Effective 30 November, 1996, no F-1 visas are being issued for attending a public elementary or middle school in the US.

#### Note

A visa is not automatically granted to you if you are admitted to a high school, college or university.

- You must take a full course of study with the intention of completing the course and taking the examination in the usual period of time for such an academic course. Visas are not granted to part-time students.
- You must also be able to show the monetary source to be used to fund your studies. If the funds can initially be placed for your benefit in your own name in the US itself, it would help greatly.
- Your study programme must be an academic one in a school, college, university, etc., and not vocational in nature.

### FVisa: Popular Gateway to the US

This visa has proved to be the means of obtaining entry and continuance of stay in the US for a great many young people who wish to immigrate to the US. Statistics show that as many as 80% of those going on this visa fail to

return and a majority of them then act as the means of entire families eventually immigrating into the US. The scenario typically goes as follows:

You gain admission to the US on an F-1 visa. While you are in the US, you find a suitable person who is an American citizen and get married. You now become eligible for permanent residency or a Green Card and can after a three-year period, obtain US citizenship if you desire. Subsequently, you can petition for your parents and your brothers and sisters, and they also become eligible to immigrate.

Although getting married in the US is probably the easiest method by which a young student can remain permanently in the US, it is by no means the only method. You could also obtain temporary employment on an H-1 visa or get permanent residency through Labour Certification. If you are brilliant or outstanding in your field, you may even find that companies offer you jobs and agree to take care of all the legal formalities to enable them to hire you even before you have completed your period of study.

In the context of the student visa, we would like to relate an actual incident. A colleague of ours and his wife decided to apply for an F visa separately. The husband applied first, and was granted the visa. Now, during the wife's visa interview, she was not specifically asked if her husband had a visa; and she chose not to volunteer the information. But when the same was discovered later, not only was she refused a visa, but even the husband's visa got revoked! Although the couple's answers in their interviews were technically accurate, the consular officer became convinced that they did not plan to return. This only goes to show how careful one needs to be while convincing the authorities of one's intentions.

Effective 1 June 1982, the US began to issue the M-1 visa. This is granted to those go-

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ing to the US for vocational or non-academic studies. F-1 visas may be held for a much longer period than M-1 visas, and F-1 students have greater opportunities to get work permits.

### • H-Category: Temporary Workers

There are various categories of H-Category non-immigrant visas for a person wishing to work temporarily in the United States and you have to file Form I-129H, "Petition for Temporary Worker or Trainee" (A sample at the end of this chapter.)

To be eligible for such a visa, in addition to possessing certain qualifications which we shall discuss later, you must, as a first step, find a friendly employer in the US. The reason being that this visa is only granted to those who obtain temporary employment with US companies and other organizations. If you meet the requirements listed under this category and if you can afford to go and spend some time in the US, we recommend that you follow this course. Three months would be sufficient to get employment offers and select a suitable job. The risk is worth taking in any case. We would not recommend using any employment agency in this regard since getting a job offer without your being able to present yourself in person to a prospective employer would be highly improbable. Moreover, if the immigration authorities are able to infer from documents or other sources of your intention to immigrate even before you come to the US, you would find your case summarily rejected.

This non-immigrant visa allows US employers to hire aliens for a temporary period to work for them. The period of residence allowed depends on the requirements of the employer, but cannot initially exceed three years. Extensions are possible, first up to two years,

and eventually for one further year, up to a maximum of six years. Another advantage afforded by this visa is that during your time in the US you could also file a Relative Petition if you have a relative who is a US citizen or permanent resident and your case falls under one of the preference categories discussed earlier. Then an H visa could be your stepping-stone to permanent settlement in the US.

The different H category visas are described below. There are annual numerical limits on some, which are shown in parentheses.

#### (i) H-1B Visa: Specialist Knowledge Workers (65,000)

The qualifying criterion for an H-1B is that you would have to be either a "professional" or renowned and outstanding in your sphere of work or otherwise possess distinguished merit and ability, e.g. having a degree of skill or recognition in your trade or field which is substantially above what would be considered normal. By *professional* it is meant that you must be in a field for which a four-year college degree or its equivalent is the minimum entry requirement. Some examples of professionals would be librarians, architects, engineers, systems analysts, scientists: and certain business executives. A chartered accountant in India would also be considered a professional. But entry on an H-1B into the United States could depend on other factors like post-qualification experience, work or material published, etc.

The company or organization which is considering hiring you must be able to show its requirement for a person who possesses your background. Hence, your qualifications and experience must be related to the job requirements. So an architect cannot work as an accountant and qualify for this visa, even though he may be renowned in his field and possesses distinction in architectural engineering. Further, you must maintain a foreign residence and

intend to stay there temporarily. Although the position you are hired for is a permanent one as far as your employer is concerned, you can fill it only temporarily. An H-1B is much easier to obtain than immigrating directly via Labour Certification because there is no need for your employer to show non-availability of US citizens to fill the position nor even to advertise the position. Thus, the attraction of this visa lies in the comparative simplicity of procedure.

#### Documents Required for Obtaining an H-1 Visa

- A letter from your employing company and an affidavit supporting your petition. Certificates attesting your qualifications must also be submitted. As mentioned earlier, if you fall in the "professional" category, you must have certificates showing that you have completed a US or a US equivalent four-year college course and are in possession of the degree.
- Recommendation letters, articles or material published, and awards and prizes won should all be collected and filed.
- Form I-129B must also be filled out and submitted. (This form can be downloaded from the following Website: <http://www.ins.usdoj.gov/graphics/forms/ee/foirns/files/i-129.pdf>. You can also get it at American Embassy and all its Consulate offices).

One disadvantage of this visa is that if you want to change employment, you have to seek permission again and get a new visa from the Immigration Service in the US. However, you may notice that this is a good method of gaining entry into the US, especially if you don't have the options to secure direct immigration through relative petitions.

#### (ii) H-2A Visa: Temporary Agricultural Workers

#### (iii) H-2B Visa: Temporary Non-Agricultural Workers (66,000)

You may be eligible for an H-2B visa, provided you are going for a temporary stay in the US to perform certain services or labour for which persons cannot be found in the US. These jobs are normally for a duration of less than a year and require a Labour Certification. However, employment opportunities which would qualify you for this type of visa are very few and it would therefore be difficult to try this route.

#### (iv) H-3 Visa: Training (Except Medical or Academic)

You may be admitted as a trainee, if you seek to enter the US temporarily for receiving instruction at the invitation of a company, a firm or even an individual. The fields in which you may be eligible are diverse and include government, trade or commerce, agriculture, transportation, banking, finance, and communications in a professional or a commercial establishment. There is also no restriction on receiving remuneration while undergoing your training. However, you will not qualify for this type of visa if the organization inviting you is an institution of learning or a place of study such as a school or a college.

#### (v) H-4 Visa: Spouse or Dependent of H-1A, H-1B, H-2 or H-3 Workers

### ■ J-Category

J visas are of two types:

- J-1 for exchange visitors, and
- J-2 for spouse and dependent children of J-1

J-1 visas are issued to exchange visitors, in a program designated by the US Information Agency. Under this category, J-1 exchange visitors are subject to a two-year home residence requirement. Compliance with this requirement

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means returning to your home country for two years after the J-1 visa expires. If you are subject to the requirement, you cannot change status to temporary worker or permanent resident until you have satisfied the requirement or you have gotten a waiver of the requirement.

### **• K-1: Fiancé(e)s**

Persons planning to go to the United States to marry American citizens and reside there must apply for a K-1 visa.

Your fiancé(e), must file a petition, Form I-129F, Petition for Relative or Fiance(e), with the Immigration and Naturalization Service (INS) having jurisdiction over his/her place of residence in the United States. The approved petition will be forwarded by the INS to the American consular office where you will apply for your visa. The two-year foreign residency requirement for former exchange visitors is also applicable. Since, as a fiancé(e) visa applicant, you become an intending immigrant, you must meet most of the documentary requirements of an immigrant visa applicant. Additionally, the following documents are required:

- Valid passport
- Birth certificate
- Divorce or death certificate of any previous spouse
- Police certificate from all places lived since age 16
- Medical examination
- Evidence of support
- Evidence of valid relationship with the petitioner
- Photographs

You and your fiancé(e) must have previously met in person within the past two years. The visa is valid for one entry during a period of six months. At the US port of entry, you will receive a stamp in your passport giving temporary

permission to work, pending marriage to the US citizen. The marriage must take place within 90 days of entry into the US. You will then be given conditional permanent residence status. After two years, you may apply for removal of this status.

### **• L-Category**

This is yet another significant route through which you could secure admittance into the US. This visa is meant for an intra-company transferee employed in a managerial position, for a maximum of seven years. Initially, the visa is obtainable for varying lengths of time, from 1-3 years. Extensions are granted subsequently. Hence, this visa also affords ample opportunity for you to change your status to a permanent resident while you are in the US. This is very convenient for foreign companies wanting to send their own trusted people to look after the affairs of their subsidiaries or branch offices in the US.

The petition for admittance into the US on an L visa, should be made by the employer at the immigration office nearest to the location in the US where the business or branch or subsidiary is operating or proposes to operate. If the petition is approved, you would have to apply for this non-immigrant visa at the US Consulate either in your home country or in your present country of residence. However, you cannot approach the Consulate without first having got a clearance from the US. All the papers have to be submitted again at the Consulate which will then stamp the visa in your passport. In case the immigration office in the US turns down your application, it could result in a long wait for the final disposition of the appeal. The success of your petition will depend on the fulfilment of the following conditions:

- You must not have any intention of staying indefinitely or permanently in the US. This

should be clearly stated in the documentation, letters and affidavits signed by the company, in the US. This, however, in no way bars you from seeking extensions, for which your intention to stay temporarily must also be established.

- The business which the foreign company has been engaged should have been in existence for over a year. The organization must have an affiliated company in the US which can file the L petition. Such affiliation must establish a strong relationship, and this is presumed in the case of a holding — subsidiary relationship, a branch-head office relationship, etc. In these cases, the visa is granted initially for three years. It is desirable and therefore easier to obtain an L visa if the company is incorporated. In the case of an Indian company it could be a limited or a private limited company. This requirement is, however, not mandatory, so partnerships and even proprietary concerns could file L petitions. If your company is opening a new US office, then the visa is granted initially for one year only.
- You must have worked in the company for a minimum period of one year before you can become an L applicant for gaining entry into the US.
- This visa is not meant to enable all employees to come to the US. It is restrictive and is meant only for managerial and executive personnel. Therefore, you can go there only to occupy an executive or managerial position. The sole exception is if you intend to fill a position which requires specialized knowledge. Staff in this category have a maximum limit of five years on their L-1 visa.

The mere fact that you have worked abroad in a managerial position is not sufficient — you must also be going to the US to fill a manage-

rial position. As the owner or proprietor of a small company, you would qualify as an executive or manager, but not as a clerical or ordinary worker. Exactly what is meant by *executive*, *managerial* and *specialized* knowledge cannot be clearly defined as it has been a matter of considerable dispute, debate, and litigation. Each case would have to be judged on its own merit and arguments put forth accordingly.

#### Documentation Required to Apply for an L Visa

This is essentially to provide proof of what has been mentioned earlier and would be as follows:

- Deeds to premises in the US as well as documents showing permission to operate the company in the US. It is not necessary to show any large investment in the US. In fact, this may even have an adverse effect. Rented premises supported by copies of the lease agreement would suffice.
- Documents providing evidence of the number of employees, the nature of business, and the address of the foreign company. Company brochures, contracts, etc., could be produced for this purpose.
- Evidence establishing company ownership and the affiliation of the US company to the foreign company. In the case of an incorporated company, evidence showing majority holdings must also be submitted.
- Papers showing the incorporation of the foreign company and similar papers of the US affiliate along with the State charter.
- Certified copies of your latest income tax returns as well as those of the foreign company. In case the operation in the US already exists, copies of quarterly tax returns of the US company and its wages and tax reports should be submitted.
- Letters from a bank showing a satisfactory account and proving the operation and viability of the foreign company. The latest fi-

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financial statements of the foreign company and of the US operation, if in existence, are also to be filed.

- A letter from a bank can be produced as evidence of transfer of funds or authorization for such transfer to the US company.
- A request in writing from the foreign company for your transfer to the US on an L visa. There should also be an affidavit from both the foreign company and its US affiliate which states your job description, the dates of starting employment and of transfer, and the precise nature of your responsibilities.
- Completed application Form I-129B has to be filed by your employer.
- English translations of documents in other languages.

As in the case of the H-1 category, L visa holders cannot switch companies in the US without obtaining a new visa from the Immigration Service.

If you want to emigrate to the US, do not overlook the possibilities afforded by the L-1 visa category. In particular, you will be able to change your status to permanent resident without resorting to Labour Certification because L-1 visa holders need not prove a shortage of American workers to qualify for an immigrant visa. Also if you are exporting to the US — be it garments, handicrafts, jewellery, engineering goods, etc., or if you are importing from the US or if you are in the travel trade, you might well find yourself in a position to open an office in the US. This may then pave the way for your permanent stay in the US as also for the entry of your close relatives.

### • O-Category

O-1 visas are offered to persons of extraordinary ability in sciences, arts, education, business,

athletics or in films and television. The term *extraordinary ability* applies to those who are professionally at a level significantly above the average and have proven national or international acclaim. Extraordinary ability in business carries a different standard of proof and those in this category have to meet one of the three tests set out for them. They should be drawing a high salary, approximately \$75,000 per annum or more; holding a key position in a large corporation or have made major contributions to an industry. As compared to an H-1B visa which is limited to a maximum of six years and requires employer's attestations, the O-1 visa can last for an indefinite period of time and does not need employer's attestations.

O-2 visas are given to essential support personnel of artistic or athletic performers who have O-1 visas. It includes such persons as directors, costume designers, animal trainers, stage technicians, coaches, etc.

### • P-Category: Athletes and Entertainers

There is a considerable overlap between the uses and qualifications for O and P visas.

- P-1 (25,000) visas are available to athletes or athletic teams that have been internationally recognized as outstanding for a long and continuous period of time. Entertainment groups that are internationally recognized also qualify.
- P-2 visas are given to foreign entertainment workers participating in reciprocal exchange programs between the United States and their home country. In our case it would be an exchange program between the US and India.
- P-3 (25,000) visas are for foreign performing artists, entertainers and their support personnel who stage culturally unique perform-

ances in the United States. These could be ethnic theatre, folk music and folk dance companies.

All three visas are issued for the time needed to complete a specific show or event. However, individual athletes under P-1 visa may remain in the US for ten years.

### • Q-Category

Q-1 visas are issued to people working in an exchange program, designated by the INS, for practical training, employment, sharing of history, culture and traditions. The emphasis is not so much on educationally oriented programs (like the J-1 visas), but on work exchange programs.

### • R-category: Religious Workers

R-1 visas are available to people who have been members of a legitimate religious denomination for at least two years and have job offers in the United States to work for an affiliate of the same religious organization.

## Immediate Relatives of Non-Immigrants

Typically, the process of shifting to the US would begin with one member of the family and after he is successful, the others could follow. Presuming that the head of the family moves to the US, and is able to find an employer and get an H-1 visa, he would naturally want his wife and children to join him. The same would apply for any other visa category as well.

Except for Q-1 visas, the US law does permit spouses and children of non-immigrants to join them in the same visa category, as shown in the table given below:

| <i>Visa Holder</i> | <i>Visa Category for Dependents</i> |
|--------------------|-------------------------------------|
| F-1                | F-2                                 |
| L-1                | L-2                                 |
| M-1                | M-2                                 |
| H                  | H-4                                 |
| p                  | P-4                                 |
| J-1                | J-2                                 |
| K-1                | K-2                                 |
| O-1                | O-3                                 |
| R-1                | R-2                                 |

## Acquiring Pennant Residency/Citizenship

We shall discuss the change of status from non-immigrant to immigrant, working illegally (some common misconceptions), contacting lawyers, and certain other important related topics in this section.

### Change of Status

If you enter the US for business or pleasure, i.e. on a B-1 or B-2 visa, and later decide that you like the country, or that it suits your purposes for business, or that you otherwise want to live permanently in the US, you may then seek a change of status. This change would normally

be to an L or H-1 status. This is permissible if you have not shown any preconceived intention. That is, if you attempt a change, immediately upon arrival it would be obvious to the Immigration Service that you entered the US with the express intention of staying permanently but somehow managed to convince the immigration officials at the Consulate that you wanted to go only on a temporary visit. This is not a desirable situation because, even if all your documentation is in order and you are otherwise eligible you would be asked to return to your country and apply anew for the proper status. This could turn out to be a very frus-

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trating exercise, besides being time-consuming and expensive to Moot. Change of status should not be attempted too hastily — allow a minimum period of one month before you even think of applying to the Immigration Service. This would give you a chance to see the country, assess the opportunities, and talk to various people. Then alone can you confidently convince the Immigration Service how you have fallen in love with America and want to stay there longer. Attempting an immediate change of status together with pre-dated documentation and other preparation prior to entry into the US could prove fatal to your application. This is one aspect which more than anything else would make the officials suspicious and give them a reason for summary rejection of your application.

The precautions mentioned here have assumed an even greater importance after the 1986 enactment by Congress of the Marriage Fraud Act. A provision of this act now precludes you from being granted a visa or makes you liable for exclusion from the US if you have at any time — be it past or present — fraudulently or by willfully misrepresenting a material fact pertinent to your application, tried to gain entry into the US. Such premature steps to change the status would be tantamount to preconceived intent and imply that your entry was made by misrepresentation (i.e., you wanted to immigrate but you purported to be a non-immigrant to gain admittance into the US). As a result, you may not only be deported, but even barred from ever entering the US again.

Sometimes a change in status from B category to F, or student category is granted. But on most occasions it is rejected on the same grounds of preconceived intent. Therefore, this approach is not recommended as in all probability you would be asked to apply at a US Consulate outside the United States, with the

consequent expenditure, waste of time and frustration.

The reason for asking you to leave the US and apply again in your home country is that the Immigration Service presumes that the Consulate in your country is in a better position to assess your visa application. They would be able to gauge your real intentions more accurately than the Immigration Service in the United States. If however, you are in the US on a legitimate status, you may obtain a change of status without leaving the country. Thus, if you were in the US on an H visa, you could get your Green Card through Labour Certification without leaving.

The proper chain of events in such a case would occur in the following manner: You go to the US on a B-2 visa, i.e. for a pleasure trip. You like the country, and after a month and a half, being a professional, you manage to locate a friendly employer who obtains an H visa for you. During your employment, you and your company decide that it is desirable for you to remain permanently in the United States. A petition for your Labour Certification is successful and you ultimately obtain a Green Card or permanent residency. The advantage of following this route is that it is much easier than going directly for Labour Certification. Also, an employer to whom you have rendered satisfactory service under an H-1 visa would be more interested in trying for Labour Certification (which is more difficult, or expensive, and more time consuming) than attempting to obtain it at the initial stage. , -

yet another way you could go to the US would be as follows: A company in India with an affiliate office in the US wishes to transfer you there as manager of that office. An L visa is ultimately approved and you move to the US. You find that you like the place and the company also desires your services on a permanent basis. The Immigration Service would

then be petitioned to grant you "permanent residency" based on your status as an intra-company transferee. The advantage of this method is that there is no need to go through the rigours of Labour Certification. Thus, a major complication is avoided, and the procedure involves only meeting the requirements for obtaining approval of the initial L application. In appropriate cases, this may well prove to be the simplest way to gain entry and to remain in the US. These two good methods of gaining permanent residency in the US via the L-1 or the H-1 route, have often been employed with success.

Attempting a change of status from B to L, H or E has a higher degree of success than B to F, provided that all other conditions mentioned earlier are fulfilled and the necessary precautions exercised. The application for changing status is made on Form I 506, and this is to be filed together with the form and papers for the relevant status — be it L, H or E — to which a change is being attempted. This change is not a change to permanent status and therefore you cannot travel freely outside of the US and then return to it. So if you leave the US, you would have, to approach the Consulate in that destination and they would issue you the correct visa. If this is not done, you would not be allowed to re-enter the US.

It needs to be emphasized that adjustment or change of status within the US is considered a special privilege under the law — this is not granted easily or to everyone. Working illegally effectively bars you from benefiting from this privilege. If you are legally in the US, you are eligible for this privilege, but it is still not a matter of right. Your visa petition may be approved, your visa number may be available (applicable in the case of quotas), but you may still have to leave the US for the visa processing. Even if you have entered into a bonafide marriage, you would be required to go to your home country for visa processing. Visa proc-

essing abroad — if all conditions are met, is a matter of right and hence, if you qualify, it cannot be refused. This is so because, as mentioned earlier, the Consulate in your country is considered to be more appropriate for assessing your eligibility or exclusion. There are specified grounds for exclusion from the US. If even one of them is applicable to you, then admission to the US will be denied as no visa would be issued. These grounds are all mainly of a political, medical or criminal nature. For example, if you are a communist, you will not be admitted. Another important ground on which people from India and other Third World countries fail to qualify is the ability to support themselves financially. This is bound to be scrutinized closely, whether you are going to use your own resources or those of your relatives and friends. An affidavit of support and sponsorship letters may be required in certain cases, e.g. on B visas, F visas, etc.

### Working Illegally

Once you are in the United States, there are many ways to enable you to acquire permanent residency or the Green Card. Many even choose to work illegally rather than return home. This is because in the US, working illegally is not taken as seriously as in other countries, and though there may be many negative points to being in the US illegally, due process of law would always apply. If you are found out, you will still be given an adequate period of notice in which to leave the country. Working illegally also would not deny you the right to apply again provided you fulfil the requisite conditions. Moreover, the chances of your working illegally being discovered are minimal. The Immigration Service is so undermanned that it is virtually impossible for them to go around searching for aliens working illegally. Experi-

ence tells us that the only time the Immigration Service comes to know that you are employed illegally is by a tip-off or when you apply to them for legitimizing your status. Tip-offs, it is seen, are generally made by people of your own country for a variety of reasons such as a quarrel, jealousy, etc. You would do well to be discreet about your status if you are in the US illegally. However, we are not saying that there are no disadvantages to working illegally — there are, and therefore we do not recommend this method.

You would suffer from the following limitations if you were to work illegally in the United States:

- You would find it difficult to work for reputed organizations. Unless you were exceptionally lucky, the jobs which you would find would generally be menial, underpaid ones in smaller organizations where the proprietor is willing to employ illegal workers to cut costs.
- You would not feel secure with the danger of someone reporting you to the Immigration Service always on your mind. Being in a situation where you are liable to be blackmailed is not a very pleasant one.
- Normally, if you are in the US legally, you could adjust your status from non-immigrant to immigrant without ever having to leave the US. This, however, is generally not the case if you are in the US illegally. If you are working legally in the US, you can still try to gain permanent residency through Labour Certification. However, if you are working illegally and then you notify the Labour Office (i.e. by beginning the process for Labour Certification), you render yourself liable to having deportation proceedings started against you. For, in effect,

you are notifying the Department of Labour that you are working illegally. When deportation proceedings begin, usually you would be given a period of notice during which to make a voluntary exit. Then you would have to apply at a Consulate in your home country and wait for the permanent residency visa to be granted.

Thus, we see that the privilege of changing status while in the US would be denied by working illegally. However, it would not be a ground for exclusion at the level of the Consulate in your country.

### **The Immigration Reform and Control Act of 1986 (IRCA)**

This law, enacted on 6 November 1986 makes it illegal for an employer to 'knowingly' hire, recruit or refer you for a fee if you are not authorized to work. The employers face fines of \$250 to \$10,000 per unauthorized employee.

To avoid these fines for hiring illegal workers, employers must follow verification procedures which include checking documents specified by the law and having the job applicant sign a statement certifying his or her authorization to work. These procedures apply to the hiring of all new employees, but not to those already working when the law came into effect.

### **The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)**

This Act was signed into law by President Clinton, on September 30, 1996. The IIRIRA enforces tough measures against visa overstayers. For example, if a person on an H-1B visa,

overstays his visa by more than 180 days, he may be barred from re-entering the US from 3-10 years. Also, the visas of persons who overstay for even one day, become automatically void. It makes no difference if the visa was a multiple-entry one, or originally valid for five years. Both these provisions came into effect on 1 April, 1997. The Act, while retaining the dictates of the IRCA, mentioned earlier, exercises a stricter control on documents acceptable as proof of identity or work authorization.

This law has been widely denounced as being inhumane, restrictive and extremely anti-immigrant.

### **Immigration Lawyers in the US**

To cater to the large clientele of potential immigrants, a number of lawyers in the US are devoting themselves exclusively to handling immigration cases. You should contact one in the place in the US where you intend to settle.

The simplest cases are those based on relative petitions, while the complicated ones are generally those requiring Labour Certification. Even for simple relative petitions it may be desirable, though not necessary, to let a lawyer handle the case — if nothing else, it would avoid mistakes which may result in delays. Labour Certification, involving as it does legal complexities, should be attempted only with the help of an experienced, competent lawyer. Fees vary from lawyer to lawyer, from state to state, and depend on the complexity of the case. A general indication can, however, be given and may prove to be useful. In the simplest relative cases the fees may well be lower than \$750. In complicated cases, e.g. those pertaining to business or Labour Certification, the total amount for certain petitions

may well exceed \$10,000. This is not to say that all Labour Certification cases would require so much expenditure — by no means so. Depending on the complexity, it could be as low as \$2,500. Usually the fees for this would be paid by your employing company and therefore should not really concern you. Even if you have to pay the fees, the investment is worth it. The lawyers cannot guarantee success — at least they are not legally supposed to do so. The outcome, just like the granting of visas, depends on government authorities who exercise considerable discretion. To give guarantees would be misleading, inappropriate and is illegal. The lawyers, however, would be able to give you an indication of success based on their handling of similar cases in the past.

American laws are quite liberal and denial of a petition does not bar you from trying again. You may well have various options open to you: start again from scratch on an entirely new basis, appeal, open the case again with new grounds, etc. Again, it is not only permissible but even desirable that if you can apply for permanent residency on more than one ground, you should do so. Petitioning on all possible grounds would greatly increase your Chances of success and obviate the need to start from the very initial stage if one of your petitions were to be rejected. When you gain permanent residency status on one of your petitions, the others can be withdrawn. You could therefore submit simultaneous petitions under the *relative* category (this by itself could be more than one, e.g. based on your brothers, sisters, parents) and at the same time apply for Labour Certification. When and if a Green Card is granted on the basis of one of your applications, the others can be dropped.

## Some Immigration Firms

**Disclaimer:** The addresses provided below have been collected from various sources and are intended as an information guide only. This book does not in any way endorse them. Also, we can not and do not vouch for their reliability. Your using their services will be entirely at your discretion.

- Frank W. Ricci, P. A.  
US Immigration Attorney  
Fax: 561-694-6629  
Website: [www.v.usvisas.com](http://www.v.usvisas.com)
- US Immigration  
Management Consulting USA Inc.  
1802 N. University Drive, Suite 100 A,  
Ft. Lauderdale, Fl. 33322  
Tel: 001-954-424-6071

## Interview and Procurement of Visa

The reason why the US Embassy makes it so cumbersome to obtain even a non-immigrant visa is that once a person is in the US and is determined to stay there, it would be very difficult first to find and then to deport him. Therefore, the Consulate would try to eliminate all potential immigrants from obtaining even a visitor or other non-immigrant visa. On many occasions the consular officials would rely more on the interview with you than on the documents submitted. This is especially true of applicants from India and other Third World countries where virtually any certificate can be obtained for the right price.

The officials would try to gauge your intentions from the interview and ascertain your bona fides. Sometimes they would reject you outright, at other times they may r4 you in more than once to prove your case. If you are unmarried, young, and cannot show substantial property ties, it would be difficult to get through the interview.

The presumption is always that you would try to stay on permanently in the US. But sometimes, one can get the visa through perseverance and determination. My brother, Rahul, aged 25 and single, applied for a visa to study cosmetology, a course totally unrelated to what he had previously done — a B.Sc. from Delhi

University. He got the visa by sheer persistence: he went thrice to the Embassy, and on one occasion had to wait for over ten hours before he was called for an interview. The interviewing official strongly doubted his stated intentions, yet granted the visa just because of my brother's determination. He even wished him good luck after the visa was granted, saying, "I know you will not return." My brother ultimately married an American citizen of Indian origin and is now happily settled assn US citizen in the United States!

All this goes to show that like any other task it is confidence, will power, and determination that will win the day. If you have decided that you must go to the t Inked States, there is probably nothing that can stop you. You would do well to remember that Embassy officials are human — that sometimes, seeing how desperately you want to go, they may just grant you the visa.

This, however, should not be taken to mean that showing desperation would get you your visa. On the contrary, this would more often than not have the opposite effect, because your very keenness to go may be taken as your intention to emigrate.

## Jurisdictions & Addresses of INS Service Centres

| Area                                                                                                                                                                                                                             | File Petition at                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Arizona, California, Hawaii, Nevada, Territory of Guam, or the Commonwealth of the Northern Mariana Islands                                                                                                                      | <ul style="list-style-type: none"> <li>California Service Center<br/>P.O. Box 10400<br/>Laguna Niguel, CA 92607-0400</li> </ul>   |
| Alaska, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming                                    | <ul style="list-style-type: none"> <li>Nebraska Service Center<br/>P.O. Box 7400<br/>Lincoln, NE 68501-7400</li> </ul>            |
| Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas                                                                                 | <ul style="list-style-type: none"> <li>Texas Service Center<br/>P.O. Box 851204<br/>Mesquite, TX 75185-1204</li> </ul>            |
| Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, Washington D.C., West Virginia, Commonwealth of Puerto Rico, or the US Virgin Islands | <ul style="list-style-type: none"> <li>Vermont Service Center<br/>75 Lower Weldon Street<br/>St. Albans, VT 05479-0001</li> </ul> |

### Addresses of US Embassy in India

- The Embassy of the United States of America  
Shantipath, Chanakyapuri  
New Delhi -110021.  
Tel: (11) 6889033, 6113033  
Fax: (11) 4190017
  - The Consulate General of the United States of America  
Lincoln House  
78 Bhulabhai Desai Road  
Mumbai-400026.  
Tel: (22) 3633611/ to 18  
Fax: (22) 3630350
- The Consulate General of the United States of America  
5/1 Ho Chi Minh Sarani  
Calcutta-700071.  
Tel: (33) 2423611/ to 15, (33) 2412336f7  
Fax: (33) 2422335
  - The Consulate General of the United States of America  
Mount Road, Chennai-600006.  
Tel: (44) 8277835, 8273040  
Fax: (44) 8250240  
Website: <http://travel.state.gov/visaservoces.html>

## Sample letter from relative supporting B1 visa application

### **WADHWA CONSULTANTS**

A-10, Ring Road, Naraina Vihar, New Delhi 110028, India

2 March, 2000

Consular Section  
US Embassy  
New Delhi  
INDIA

Dear Sirs,

Re : 8-1 Non-immigrant Visa Application of Mr Ramesh Gupta

This letter is in support of the non-immigrant visa application of Mr Ramesh Gupta, an Indian national. Mr Gupta has been employed by our company since January 1995 and works as a field sales representative.

In this capacity, Mr Gupta is required by our company to go to the United States to negotiate and conclude certain sales contracts on our behalf. Meetings with client companies in America have been scheduled according to the attached itinerary. We anticipate that it will take approximately two weeks for Mr Gupta to complete these transactions.

Mr Gupta is the most qualified person to carry out these negotiations. His Position within the company and his standing in his home community show his intention to return to India upon completion of these contract negotiations.

We therefore request that Mr Gupta be issued with a 8-1 non-immigrant visa for making this trip to the United States.

Yours faithfully



Anil Chandra  
Executive Vice President

**Sample letter from relative supporting 82 visa application**

US Consulate  
Calrutta  
INDIA

27 March, 2000

**To Whom It May Concern**

I am writing to affirm that I have invited my brother, Janak Singh, an Indian national, to visit me for three months in my home in San Francisco, California. Janak is a student at the University of Howrah, India, and has two years of his academic program left to complete. At the end of his stay with me in America he will return to India to resume his academic studies.

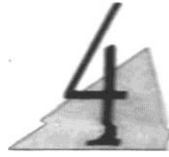
I certify that I will be responsible for his welfare and any financial requirements he may have beyond the funds he brings with him. I will also ensure that Janak returns to India at the end of the three month period.

I am a plant manager for the XYZ Tool and Dye Company, and I enclose an affidavit of support evidencing that I have sufficient means to provide for the maintenance of my brother during his holiday here.



J. R. Singh

Sworn to before me this ... day of ....., 2000



## CHAPTER

# CANADA

Canada is the second, largest country in the world, after Russia, occupying half of the North-American continent with a population of about 30 million. The three largest cities, Toronto, Montreal and Vancouver together have approximately eight million people comprising over 30 per cent of Canada's population. In the extreme north, temperatures go above 0°C for only a few months a year. Therefore, most Canadians live within 300 km of the country's southern border. Canada has a beautiful natural environment.

In 1992 and again in 1994, Canada was declared the most desirable place in the world to live, by the United Nations Human Development Index. In 1995, the World Bank ranked Canada as the world's second wealthiest society.

Canada grows, develops, mines, processes, designs, manufactures or fabricates everything from disease-resistant wheat to communications equipment, from advanced aircrafts to strategic ores and metals and from nuclear power stations to newsprint.

Migration from other countries has always

been a large source of Canada's population growth. Currently, immigrants make up about 17.4% of its population. Almost half of all Canada's immigrants settle in Ontario. In 1996, approximately 9.4% and 21% settled in Quebec and British Columbia respectively. 13% settled in Montreal, and 35% in Vancouver. Toronto has the largest foreign-born population of any metropolitan area in Canada, at 42%. Asians constitute 57% of total immigrants.

In the past, people from Britain and Western Europe were the main immigrants. In recent years, however, there has been a decline in the European migrants and an increase in the Asian, Middle-Eastern, Caribbean and South American migrants. Government operated Canadian Employment Centers are located in towns and cities across the country to provide free employment services and assistance to freshly arrived immigrants. There are numerous private employment agencies too, but these usually charge a fee for their services. It would help to know at least one of the two official languages, English and French.

## Visiting Canada

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People visiting Canada include those who wish to enter the country for a limited period of time, including:

1. Tourist,
2. Students, and
3. Temporary workers.

The application forms in use are given at the end of this chapter.

### • Visitor's Visa

All visitors to Canada require a visa except those who are exempt under the regulations. Indians require a visa. You should note that entering Canada is not a right, but a privilege, provided for under the Immigration Act. Visas are issued upon application at the Canadian High Commissions, although a visa itself represents only pre-screening by the visa officer and does not guarantee admittance to the country. In assessing whether to issue a visa, the officer at the High Commission must be of the opinion that the applicant is bona fide and will leave the country at the proposed time.

#### Documents Required

- The application form, duly completed and signed by you.
- A non-refundable application fee:
- Visitor visa - single entry: C\$ 75
- Visitor visa - multiple entry: C\$ 150
- The fee is payable by cash, bank draft or postal order.
- Three recent passport-sized photographs for you and your accompanying dependents.
- A valid passport.
- Evidence to support purpose of your visit.
- Evidence of funds to cover your expenses in Canada and also to leave Canada (e.g. return air ticket, bank statements, bankbook, income tax papers, business registration, balance sheet etc.)
- Health certificate & police clearance.

In some cases a personal interview may be conducted.

### • Temporary Workers

In order to work temporarily in Canada, a foreign worker needs to possess a valid employ-

ment authorization. Apply for it at the Canadian High Commission after you have received a bona fide job offer from a Canadian employer. This job offer has to be validated by a Human Resource Centre (HRC, formerly called Canada Employment Centre) in Canada. To do so, the HRC officer in Canada must be convinced that these job offers will not affect job opportunities for Canadian citizens or permanent residents.

A worker applying for an employment authorization is assessed on health, character, security and other criteria; qualifications for the job may also be checked. If an employment authorization is issued, it will be valid only for a specified job and time period. The document is definitely not issued to allow persons to enter Canada to look for work. In fact, a person cannot normally apply for permission to work, or for immigrant status from within the country.

Temporary workers are required to pay a non-refundable fee of C\$ 150, to help cover the cost of considering their application for an employment authorization. You should also bear in mind that as a foreign worker you cannot accept another job in Canada without written permission from the Employment and Immigration Department, Government of Canada.

### • Student Visa

In 1997, there were 99,000 foreign students registered at various Canadian educational institutions. Students have to apply to the Canadian High Commission for a student visa. The Immigration Act requires that international students demonstrate evidence of their ability to support themselves as well as their dependants, before a student authorization is issued. Evidence of financial support can be shown in the form of bank statements, a bank draft or a letter from the source of funding.

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A non-refundable fee of C\$ 125 is charged for a student authorization. A student must have the following before applying for a student authorization:

- A valid passport.
- A letter of acceptance from a Canadian school/university.
- Proof that the student has sufficient money to support himself and his dependant(s) for the entire stay in Canada.

*Alternatively, the sponsoring organization if*

a student has been sponsored, or a letter *or* reference from a dependable person *in* the community.

- A medical as well as police clearance.
- International students may be given permis-

sion to work while attending school in Canada. Although some restrictions do apply to foreign students, they may be allowed to work if they meet one of the following requirements:

- They work as graduate assistants.
- The employment is an integral part of the course of study, such as, a work term during the year.
- Working on campus.
- Working after graduation in a study related

*job offer for a study-related*

It is important that students have a written job offer from an employer before applying to the Canadian Immigration Centre (CIC) for an employment authorization.

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## Immigration

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The modalities, requirements and strategies for ultimately acquiring Canadian citizenship shall now be discussed.

### Canadian Immigration Law

#### Origin

Before early twentieth century, hardly any country attempted to control immigration. Canada was no exception. Until 1869 there were no restrictions on entry into Canada — whoever wanted to go there could do so. Thereafter, laws were enacted restricting entry on the basis of the potential immigrant's nationality. There was still no decline in the number immigrating into Canada. During World War I, some measures were introduced to limit entry. However, these were soon lifted after the end of the war. Again, the aftermath of World War II saw active government involvement in the area of immigration. Increasing government intervention did manage to reduce immigration, and now it is the Department of

Employment and Immigration which implements government policy. The government attaches considerable importance to this department, which is headed by a member of the Canadian Cabinet. Immigration policies were laid down in 1947. Several amendments to the law were made subsequently, the most pertinent being that of 1978.

#### Directive Principles

There are certain guiding principles of Canadian immigration laws, and as a potential immigrant you would do well to bear these in mind. Knowledge of the following objectives would lessen the risk of your saying anything which would be contrary to the basic philosophy of these laws. Moreover, in your replies to the immigration authorities, you could strengthen your case by pointing out how allowing you to immigrate would further these objectives:

- Families not to be permanently separated. This objective is the basis for relative petitions.

- Furtherance of Canada's interests, whether economic, social, cultural or demographic. Fulfilment of this objective is sought by means of investment. Visas are granted to those intending to establish particular businesses approved for particular areas.
- Concern for refugees and those being persecuted in their own country.
- Promoting the political aims of the nation. These are given due importance by granting asylum for political reasons.

It has also been enunciated that these policies be applied on a strictly non-discriminatory basis.

The Federal Immigration Act (1978), which is valid today, explicitly affirms the fundamental objectives of Canadian Immigration Law, family re-unification, non-discrimination, concern for refugees, and the promotion of Canada's economic, social, demographic and cultural goals.

### Eligible Categories of Immigrants

Currently, the law provides for three eligible categories of immigrants:

1. The family class
2. The refugee and humanitarian class
3. The independent and other class.

#### • The Family Class

A permanent resident or citizen of Canada, aged 19 and above and living in Canada can sponsor the following close relatives for immigration:

- Spouses.
- Dependent children: They should be unmarried and under 19 years of age; or full time students, supported by their parents; or disabled children, unable to support themselves.
- Fiance or fiancée.
- Unmarried, orphaned brothers, sisters, nieces, nephews and grandchildren under 19

years of age.

- Parents and grandparents.
- Adopted children : children under 19 you plan to adopt.
- Distant relatives : can be sponsored only if the Canadian citizen or permanent resident has no immediate relatives living in Canada or elsewhere.

#### What Your Sponsor Has to Do

If you want to migrate to Canada and have a relative who is willing and able to sponsor you, then you need to ask your relative to apply to the nearest Canada Immigration Centre (CIC). He/she will have to submit a sponsorship application along with a written undertaking to assist you. Your sponsor will be interviewed and will have to submit details of his/her financial position. Your sponsor must be accompanied by his/her spouse at the time of submitting the application at the immigration office, as well as for the interview. In addition to this, your sponsor has to present evidence of your relationship, and in case of difficulty with this, it would be advisable to seek help from an immigration attorney. Your sponsor is also responsible for providing adequate support to you for a certain period, which is generally up to ten years, so that you would not become a ward of the state, should you, for any reason, become unable to support yourself.

#### What You Have to Do

The immigration office in Canada will write to the Canadian High Commission in India, if your sponsor's application is successful. You would then be required to submit various documents before you appear for an interview at the Canadian Mission. These include your passport, marriage certificate, regional school, college, and professional certificates, bank statements, assets statements, statement of funds and assets you intend transferring to Canada, etc.

### • The Refugee and Humanitarian Class

The Canadian Immigration Act recognizes the need to fulfil Canada's international legal obligations with respect to refugees and to uphold its humanitarian tradition with respect to the displaced and persecuted. To be a refugee, a person must be outside his or her country of nationality (or last permanent residence, if the person has no nationality) and, by means of a well-founded fear of persecution for reasons of race, religion, nationality or membership to a particular social group or political opinion, be unwilling or unable to return to that country.

In general, there are four refugee categories:

- i) Government Sponsored Refugees,
- ii) Privately Sponsored Refugees,
- iii) Family Sponsored Refugees, and
- iv) Independent Refugees.

#### Government Sponsored Refugees

They are helped by the Canadian Government to settle in Canada. The Canadian government provides food, clothing, shelter, basic furniture and other financial support to these refugees. This assistance lasts for one year or until they find employment, whichever comes first. Refugees are expected to look for work and become self-supporting as soon as possible.

#### Privately Sponsored Refugees

These refugees are helped by groups of not less than five individuals, church or religious groups or active associations that have signed master sponsorship agreements.

#### Family Sponsored Refugees

They are helped by their family members in Canada. The family must supply food, clothing and shelter for up to ten years.

#### Independent Refugees

These refugees look after themselves. They are not given government assistance and are ex-

pected to be self-supporting from the moment of arrival.

### • The Independent and Other Class

In general there are three independent and other class categories

- i) Assisted relatives,
- ii) Business immigrants, and
- iii) Other independents (skilled workers).

#### Assisted Relatives

In this sub-category, the relationship is not as close as for those in the family class category. Included under this sub-category are the following relatives of Canadian citizens or permanent residents:

- Brother and sisters.
- Uncles, aunts, nephews, and nieces, married children and grandchildren.
- Parents and grandparents.

#### Business Immigrants

This class includes three sub-categories:

- i) Self employed,
- ii) Entrepreneurs, and
- iii) Investors.

**Self-Employed:** You would come under this subcategory if you are going into business for yourself in Canada and will be 'self-employing' yourself. A self-employed person is not required to provide jobs for others. There is no mandatory minimum transfer of capital laid down by law. You have to, however establish that your business would make a contribution to Canadian culture and artistic life. The ability to do this, and not your financial resources, would determine the success of your application. Some examples of applicants in this sub-category are writers, professional athletes, artists, actors, farmers etc.

**Entrepreneurs:** Canada welcomes entrepreneurs. If you are a businessman who is considering emigrating, Canada, with its compara-

tively unlimited access to the American market, could be just the place for you. Therefore, we shall consider this sub-category at some length.

The feature which distinguishes this from the self-employed sub-category is that besides yourself and your dependents, one or more Canadian citizens or permanent residents must be employed by your business. You could either establish your own business or buy an existing Canadian enterprise. It is enough if you have a substantial holding (generally over 50%, in a Canadian company — you do not have to be the sole owner).

To establish yourself as an entrepreneur, you must meet the following conditions of the Canadian Immigration Act:

- You must take an active part in the management of the business or commercial enterprise.
- The enterprise must make a significant contribution to the economy of the community or the region in which it is located.
- You must initially prove your intent and ability to establish, purchase or make a substantial investment (generally, over 50% would suffice) in an enterprise which would give rise to employment opportunities for Canadian citizens/permanent residents.

There is no minimum net worth laid down by law, for an entrepreneurial applicant. This is to ensure that an applicant with a not-so-high net worth may still be successful on the basis of his/her qualifications, experience and business plans. But generally, to qualify, you would require a minimum net worth of C\$ 300,000 and 2-3 years business experience.

**Business Plan and its Submission to the Authorities:** The business plan is basically a brief outline of what you intend to do, where and how. The proposal must be viable and indicate your special skills or qualifications. It should include:

- Statement of your assets and liabilities.

- An estimate on the project and its profitability.
- Mention of any laws governing the establishment of your project and confirm that you would be able to obtain the requisite permission for setting up your venture.

The proposal you are required to present is not unlike the one required by financial institutions for loan applications. It must be presented to the immigration/visa officer in India who carries out a preliminary review. If he feels that the proposal is worthy of consideration, he will refer it to the provincial authority. The latter has the responsibility for reviewing prospective immigrants in the entrepreneurial category. It is probable that you would then be invited to Canada to be interviewed by the provincial authorities. After interviewing you and carefully scrutinizing your plan, the provincial authorities will make a decision on the viability of the proposed business and on whether or not there is a need for it in the province. The decision of the provincial authorities, whether favourable or unfavourable, will be communicated to the Entrepreneur Selection Committee, comprising immigration and federal trade and commerce officers. In the absence of such a committee, to the migration officer who initially received the proposal at the Canadian High Commission/Embassy or Consulate at which you applied.

In theory, the final decision lies with the visa officers, acting under the guidance of the committee, if there is one. In practice, however, if the report from the provincial authorities is favourable, approval at the mission level would usually be automatic. However, if the provincial authorities reject your proposals, it is unlikely that this ruling would be reversed. For such a denial, there is no formal appeal possible under the Canadian immigration laws. If your application is approved, you can then proceed to acquire status as an immigrant to Canada after completing the prescribed medical and security checks.

## 94 1 Going Abroad

It may just be that the provincial authorities are undecided about the proposal, in which case they may permit you to enter Canada on a non-immigrant business visa known as an *Employment Authorization*. This normally gives you the right to work in Canada for one year, but this period can be extended by the immigration officer in Canada. On this visa, you can only work for the 'employer' mentioned in it. In this case, the employer is the business enterprise you are establishing. This authorization operates as a *Work Permit*, and one must be careful with all its terms and conditions.

The proposal which is to be submitted must be checked and preferably presented by an expert or consultant. It must be accurate, complete and viable and be made keeping in mind the requirements of the provincial authorities. Such a proposal frequently runs to about 50 pages, or even more, in length. It would therefore be foolhardy to attempt submitting this without professional help.

You could negotiate and make the final payment with consultants or experts only after the application has been approved by the provincial authorities. The fees charged vary depending on who the consultant is, the complexity of the proposal, etc; but one should expect to spend at least US \$10,000 for this purpose. The fees would cover market research and surveys, preparation of feasibility studies, presentation of the business proposal, study of the impact of taxation, legal advice, etc.

**Investors:** The prospective investor immigrant must have a proven business record and have accumulated, through his own endeavours, a personal net worth of at least C\$5,00,000 (inclusive of the investment), and invest in an approved fund or business. The investment will be locked-in for a period of five years from the date of landing in Canada.

You must have a personal net worth of at least C\$ 5,00,000, to make a C\$ 2,50,000 or

C\$ 3,50,000 investment, in specified provinces only. Investors who have a net worth of C\$ 7,00,000 are eligible to make an investment of C\$5,00,000.

For a list of currently active investment offerings, you may write to:

- Citizenship and Immigration Canada  
Business Immigration Division  
Immigrant Investor Program  
300 Slater Street, 7th Floor  
Ottawa, Ontario  
Canada, K1A 1L1  
Fax: (613) 9419014

An investor applicant must have business experience, but he is not required to play an active management role in the business in which the investment is made. An immigrant investor might, however, sit on the company's Board of Directors or become a shareholder. The investment must be made after a visa application has been made, and before the visa is issued. The investor's application should consist of the following:

- A curriculum vitae or resume.
- A description of the candidate's business, industrial or management experience.
- A complete financial statement of funds available for immediate or later transfer (in C \$).
- Proof of ownership of the assets.
- A written indication of the business venture or investment syndicate which interests the investor.
- The proposed province of destination.
- An indication of the investment to be made.

### Other Independents (Skilled Workers)

This category of immigrant status responds to Canada's need for immigrants who can contribute to the country's economy through their qualifications, skills and training in occupations for which there is a demand in the country. Applicants should be well-versed in either Eng-

lish or French, and should be of good health and character.

The point system which is given at the end of this chapter (Annexure I), plays the most significant role in the admission of independent immigrants. It is imperative that the prospective

immigrant to Canada should be well-versed in the point system, which became a part of the Canadian Immigration Regulations in 1967. A high rating would considerably facilitate your immigration, while a low rating could make matters tricky.

## General Information

After qualifying, you might have to wait before getting the visa, because processing takes a while. You have to submit a medical certificate along with a police certificate to the Canadian High Commission.

You may proceed to Canada after you have obtained your visa. Some minor formalities will have to be completed at the point of entry, and thereafter, you would be given the status of permanent resident or landed immigrant and after three years you can apply for Canadian citizenship. Canada allows its citizens to hold dual nationality.

### A Note on Discrimination

The minorities in Canada include Asians, Blacks and Hispanics. Their numbers are growing, mainly because of non-stop immigration and a high birth rate. As these minorities become more prominent, they start to be viewed by the white native Canadian as 'adversaries'. The white native Canadians feel that these 'foreigners' are stealing their jobs and draining public money as some may be on welfare. Indians are sometimes looked upon as corrupt and inefficient as well and may have to face hostility and discrimination there. However, this is not a hard and fast rule and such an attitude may not be prevalent everywhere. Besides if you are ambitious, and have the capacity to adjust to change and want to shift to a country where economic opportunities are far superior, Canada is the right choice for you.

Completing all the formalities is not really

difficult, and maintaining your poise will help the immigration officer to facilitate faster processing of your application. It is advisable to acquire some knowledge about Canada and the employment opportunities there. You will probably be asked why you have chosen to emigrate to Canada, and any or all the following reasons would be considered valid, though the list is not exhaustive:

- You like the comparatively less restricted way of life and the culture.
- You wish to improve your standard of living.
- You want the greater degree of political and economic stability Which Canada offers. This could be especially applicable if you come from any disturbed area in India.
- You could better utilize in Canada any special talents which you have.

### Some Immigration Firms

**Disclaimer:** The addresses provided below have been collected from various sources and are intended as an information guide only. This book does not in any way endorse them. Also, we can not and do not vouch for their reliability. Your using their services will be entirely at your discretion.

- Orientation Quebec 6600  
Decarie Blvd., Suite 330  
Montreal, Quebec, Canada H3X 2K4  
Tel: (514) 340 9999  
Fax: (514) 340 1275  
Email: [ogcan@total.net](mailto:ogcan@total.net)  
Website: <http://liviwww.total.net/ocican/>

- Chait Amyot  
Imm igration Division  
1 Place Ville-Marie  
Suite 1900, Montreal  
Canada H3B 2C3  
Tel: (514) 879 1353  
Fax: (514) 879 1460  
Email: [deomc@chait-amyot.ca](mailto:deomc@chait-amyot.ca)
- Law Offices of Colin R. Singer Attorney,  
Canadian Citizenship and Immigration  
510-4999 Ste-Catherine  
West Montreal QC  
Canada H3Z 1T3  
Tel: (514) 487 2011  
Fax: (514) 487 2385  
Email: [csinger@singer.ca](mailto:csinger@singer.ca)  
Website: <http://www.singer.ca>
- Canatrade Internationale Inc.  
Canatrade House  
151 Boulevard., Jean Leman  
Candiac JSR 4V5  
Canada  
Tel: (450) 444 691  
Fax: (450) 444 780  
Email: [consult@canatrade.com](mailto:consult@canatrade.com)  
Website: <http://www.canatrade.com>
- Leonard Simcoe  
Ref: NWA, 1255 Laird Blvd.  
# 208, Mount Royal, Quebec  
Canada H3P 2T1  
Fax: (514) 739 0795  
Email: [LSimcoe@csi.com](mailto:LSimcoe@csi.com)  
Website: <http://users.ves.net:85/simcoe>
- OIC Confraternity Canada Ltd.  
823-409 Granville St. Vancouver  
BC, Canada, V6C 1T2  
Tel: (604) 6690389  
Fax: (604) 669 3905  
Email: [passport@infoserve.net](mailto:passport@infoserve.net)  
Website: [www.our-website.com](http://www.our-website.com)

#### Addresses of Canadian High Commission in India

- The Canadian High Commission  
718 Shantipath, Chanakyapuri  
New Delhi — 110021.  
Tel: (11) 6876500  
Fax: (11) 6876579
- Consulate of Canada 4th Floor,  
41/42 Maker Chambers VI  
Jamnalal Bajaj Marg  
Nariman Point, Mumbai- 400021.  
Tel: (22) 2876027/ to 30  
Fax: (22) 2875514
- Consulate of Canada  
Duncan House  
31st, Netaji Subhash Road  
Calcutta — 700001.  
Tel: (33) 2209281  
Fax: (33) 2481614
- Consulate of Canada  
Dhun Building, 3rd Floor  
827, Anna Salai, Chennai-600002.  
Tel: (44) 8529818  
Fax: (44) 4828495



CHAPTER

# EUROPE

**F**or years, Europe's economies had been stagnating — characterized by very low or even negative growth rates. The welfare system and strangulating government regulations had mainly been responsible for this. In Europe, if a company hires a person, it may prove almost impossible, or at least very costly, to make him leave his job. As such, companies have been wary of expanding their operations and delay doing so until they are absolutely certain that expanded operations would not be reduced in the near future. The dynamism which exists in America's economy is absent in that of Europe.

The welfare system harmed European economy in two ways :

- It could only be supported by higher and still higher levels of taxation and this significantly reduced the ability of businesses to put aside funds for expansion. The general level of taxation is much higher than in the USA.
- It sapped incentives. The concept of security offered by the state from 'the cradle to the grave' has resulted in unmotivated people who do not even have basic and elementary qualifications.

The European economies, however, started to grow since the end of 1985. In the last few years, attempts have been made to deregulate

business in Europe. However, taxation levels remain unacceptably high. The decline in oil prices has also boosted the economic growth projections.

The purpose of this brief discussion is primarily to advise you about the economic situation in Europe. Although it has shown marked improvement, the fact remains that no country in Europe can offer the opportunities afforded by the US. So, if you have a choice, you should opt for the US. Of course, you may wish to go and settle in Europe if you have close relatives there, or if Europe is the only option available, as might be the case for asylum seekers.

## Employment and Employment-Related Visas

The double-digit unemployment statistics which continue to be characteristic of most European countries do not always reveal the actual situation. Even as the number of unemployed in Europe exceeds 10% of the work force, there is still a tremendous shortage of people with certain types of skills. Almost all major companies are finding it difficult to hire the people they require and want. As a result, there is an almost continuous upward trend in remuneration packages for certain categories of

people. For instance, if you have graduated in computer science or have a degree in computers from any Institute of Technology, you would have no problem in finding a suitable job anywhere in the world. Companies in Europe are also feeling the pinch when it comes to finding people with computer-related skills, especially those with expertise in computer-aided manufacturing and design.

According to the European Commission, the other groups which are in high demand are skilled workers, especially technicians and technologists. This shows how widespread the demand is for people who possess some expertise in fields as varied as chemical engineering to computer systems management, from hotel management to accounting. Health workers, secretaries (especially with lingual or multilingual skills), human resource managers, investment bankers and certain market specialists are all in great demand.

The conclusion then is that Europe appears to be a good place to emigrate to, if you have the right skills or expertise. We would again emphasize that if you have a chance, in almost all cases, the US is preferable to any European country. The rules generally permit more leeway and the salary levels are 30% to 100% higher than in Europe. Moreover, you would probably encounter language problems in many European countries.

In the European context, the Schengen Agreement is worth mention. Under this agreement, since June 1985, it is sufficient to have a Schengen Visa to travel to any of the following countries: Belgium, France, Germany, Luxembourg, The Netherlands, Portugal, Spain, Austria, Italy and Greece. These visas are issued at the embassies of all of these countries but the Schengen visa fees differ from one country to another. Also, you need to obtain the visa from the country you plan to visit first. Only then is the visa valid for the

remaining. The UK is not part of the EU's 'Schengen States' agreement. So you will need a separate British Visa to enter UK.

There would be no point in discussing in detail the procedures and formalities you have to follow in each country in Europe before you take up employment there, since once a company has found you 'suitable', then all the formalities are taken care of by them. We will, however, briefly give an outline of the procedures generally followed in most countries.

### The Visa Procedure

- The first thing to do would be for you to travel to the countries you prefer and contact companies directly or through recruitment agencies, commonly known as 'head-hunter organizations'.
- Once you have found a company which is willing to hire you at a negotiated salary and you also find the place favourable to stay, it is up to the company to complete the formalities to obtain government approval for your employment.
- The company would have to provide evidence that a 'local' who can fill the position cannot be found. The position has to be advertised by the company (depending on the specific rules), giving the 'vacant position' due publicity. This is almost invariably the case in most countries.

Some governments may even compile a list of skills needed in that country and should you qualify, it may be possible to emigrate first one then look for employment. This method of going abroad is not encouraged, as the expenses incurred while 'hunting' for a job may be beyond your means. You should also bear in mind that all good companies would pay your relocation expenses after employing you. Therefore, if you have already migrated, it may well be impossible to claim reimbursement.

It would be futile to list all the skills or fields of expertise currently in demand, since this list becomes outdated very quickly. It is important for you to check this list at the time you decide to go for your initial visit. You should, however, check one factor before you accept employment in Europe, and that is whether or not the type of work permit which the company has obtained for you, carries the eventual right to citizenship. There is one big advantage which citizenship of an European country carries — it allows you to work anywhere within the EEC (European Economic Community) with a minimum of hindrance. This automatically gives you the choice of working in Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden and the UK.

### General Information

Other methods or ways which lead to citizenship are more or less the same for all countries

and have been discussed in Chapter 1. One method which would permit you to emigrate and eventually acquire citizenship is to marry an European national. These days however, governments are generally aware of 'convenience marriages', where the sole purpose is to acquire resident status. If this, or the fact that money has changed hands were ever revealed to the authorities, it would certainly jeopardize your residential status. Another way to gain resident status is if your parents or certain other close relatives are already citizens. In addition to this, most of the Western European governments allow refugees and political asylum seekers to enter and stay in their countries.

We will now specifically discuss the conditions and laws relating to immigration in two important European countries:

- **The United Kingdom:** where many of you may have relatives or people known to you who are British citizens.
- **Germany:** where many people have found entry as political asylum seekers/refugees.

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## The United Kingdom

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**B**ritain is a member of the G-8 (Group of Eight), leading industrialized democracies of the world. As it is part of the European Union (EU), a British citizen like citizens of the other EU countries, has the right to live and work in any of the other European Union countries. Also, non-EU dependents of EU nationals have an automatic right to gain entry to an EU country to join their EU national relative. Another benefit is that after becoming a British citizen, one may keep one's other nationality.

The reason for this detailed section on the UK is that a great many Indians already have some ties with Britain. Some of you may have studied there, some may have relatives or friends there and some of you may have liked the country while on a visit there.

India is a member of the commonwealth and has had links with Britain for a long time. The British Nationality Act of 1948 included all citizens of commonwealth countries in its definition of British subjects. Thus, all Indians being citizens of a commonwealth country, remained free from immigration controls. It was not until 1962 that controls were first applied to commonwealth country citizens. These controls have become progressively more stringent, and in all probability, in future it will be even more difficult to immigrate into the UK. The restriction imposed by UK in October 1986, states that nationals of five countries: India, Pakistan, Bangladesh, Ghana and Nigeria must have visas prior to their arrival in Britain. This regulation is plainly dis-

crimnatory and is only applicable to citizens from the 'black commonwealth'- and it has come in for a great deal of criticism. This is not the only discriminatory aspect of the UK's immigration controls. Racial discrimination functions in two distinct ways:

- The immigration act and various regulations are framed in such a way as to favour white entrants and subject them to fewer restrictions than non-whites. The restriction on visas cited above is merely one example of this.
- Though the rules relating to immigration state unambiguously that officers must carry out their duties without regard to race, colour or religion, it is only the 'black' entrants who face the full severity of the provisions. The discretionary and oppressive powers vested in the officers are invariably used only against blacks (Indians included). For instance, an immigration officer at a port of entry can search a passenger and his baggage and certain documents. He can also have the person medically examined. Since there was no restriction on the nature of examination, the

infamous virginity tests were formerly carried out on some 111'011301 from India who were seeking entry as fiancées. This discussion is by no means exhaustive, and while most people will never be subjected to this sort of humiliation, you should have an idea of the wont that could happen.

This son of discrimination does not stop after having entered UK as a legal bona fide immigrant. People from Asia and Africa have encountered increasing discrimination and sometimes even your life and property could be endangered. It would be advisable (for those of you who can), to visit Britain for a short period, assess the situation for yourself and then decide about emigrating. It is our opinion that if you have a choice as to which country you would like to emigrate to, one of the factors strongly going against the UK, would be racial discrimination. At the cost of sounding repetitious, given a choice between the US and the UK—the former must be your choice. The only advantage which the UK has over the US is that, the UK permits you to have a dual or multiple nationality.

## UK Visas

### Visitor Visa

If you want to visit the UK, all you have to do is, convince the immigration authorities regarding your intention. Thereafter, you and your dependants would be admitted for a period normally not exceeding six months. You would also have to show that you are in a position to maintain yourself and your dependants during your stay. You could be visiting your relatives or friends.

You may also be admitted for the purpose of medical treatment if you can prove that you have the financial resources to pay for the treatment. You should not be suffering from a contagious disease.

### Student Visa

The rules relating to students are quite strict. You would have to satisfy the immigration authorities on the following scores :

- You have been admitted to a school, college, university or any approved private educational institution for a course of study which is full-time, or which occupies a substantial portion of your time (generally, this means at least 15 hours of organized study per week).
- You can pay for the course and support yourself and any dependants (your spouse and children under 18 years may join you), without you or your dependants working or resorting to public assistance, (an exception

is made in the case of doctors and dentists who may seek employment even in full-time positions, provided that the employment is related to their training or studies). You may, however, be permitted to work during vacations, if you obtain permission from the Secretary of State for Employment. This will be granted only if:

- the employment does not interfere with your studies, and
- no suitable resident is available to fill the position at the remuneration and conditions prevailing for similar work in the area.

You must be explicit in your application that you will simply be supplementing your income, and that the maintenance and payment for your studies does not in any way depend on whether or not you take up employment. In other words, if you are really in need of money to support yourself, chances are that you will be refused permission to work. Please note that it is a criminal offence to work without having permission to do so.

- You will leave the UK on completion of your period of study. For this, immigration authorities would examine not only your immediate plans but also try to assess your intentions after completing your course. Your permission to study in the UK is extendable, provided there is no reason to believe that your request for an extension is only to prolong your stay, and not really for the purpose of pursuing a legitimate course of study.

#### Note

A change of status from visitor to student is not possible in the United Kingdom.

## Employment

The restrictions relating to employment are far more strict in the UK than in the US. Therefore, your chances of eligibility are consequently reduced. As a general rule, those seeking employment in professional, managerial, executive, technical or scientific fields are serviced by the Professional Executive Recruitment (PER) and as such, are eligible for work permits. A work permit is essential in every case, and this will be issued to you only if you fall within any one of the following eight categories :

1. You are a highly qualified technician with specialized experience or expertise.
2. You hold a recognized professional qualification.
3. You are an administrator or executive.
4. You have high or rare qualifications in an industry or occupation requiring specific expert knowledge or skill.
5. You have completed a full-time training course of at least two years duration at an approved hotel or catering establishment abroad. As a result, you now possess the skill and experience to hold a senior position in a hotel or catering establishment. Moreover, you would also be eligible if you have acquired other specialized or uncommon skills and experience relevant to this industry. This provision would be of keen interest to you if you are a chef specializing in Indian cuisine. These are called *keyworker* permits, and are not granted/extended for more than a total of 3 years.
6. You are an entertainer or a sports person meeting the requisite skill criteria. Of course, no permit is required for a professional sports person taking part in competitions of international standards.

7. You are between 18 and 54 years of age, are near the start of your career and are coming for a specific period of training on-the-job or work experience approved by the Department of Employment.

**Note**

You will not be permitted to switch to normal employment from your training. Also, employment as a trainee does not entitle you to apply for permanent residency.

8. Your employment is deemed to be in the national interest in the opinion of the Secretary of State for Employment.

## Work Permit

If you are seeking employment, then entry would be permitted after you have a work permit. The permit is issued only for a specified overseas worker and for a particular job. If you change employment, you would have to obtain a new work permit.

It is the employer who applies for the permit, not the prospective employee. The employer should obtain an application form from, and should apply to:

- Overseas Labour Section  
Department of Employment  
Porterbrook House  
c/o Moorfoot  
Sheffield S1 4PQ,

at least eight weeks before he wants you to begin work.

Unless already in possession of a work permit from a different employer, candidates are advised not to be in the UK when their prospective employer applies for a work permit. Work permits are issued by the Department of

Employment in the UK; and can be for 6 months to 4 years (the latter is called a 'full work permit').

The ease of obtaining work permits depends on the prevalent economic situation in the UK. Obtaining a permit during a period of high economic growth is easier than during a recession.

The following criteria must be met before a work permit can be granted:

- You must be between 13 to 65 years of age.
- A genuine vacancy must exist.
- No suitable resident or EEC person is available to fill the position.
- Remuneration and conditions of employment cannot be less favourable than those available in the area for similar work
- You must possess adequate knowledge of English.

The employer has to convince the Department of Employment, that the worker possesses the necessary skill and experience, which have been acquired outside the UK. Documentary evidence must be submitted for this purpose. Proof has to be shown that a resident or EEC national is not available to fill the position. For this, the employer has to notify the nearest PER office, job centre or employment office of details concerning the vacancy and allow at least four weeks for a suitable applicant to be found. The employer has to advertise the vacancy in the local, national and EEC press as also in appropriate trade and professional journals.

It may be noted that applications for employment after entry into the UK as a visitor or student would be refused, unless the conditions on which the entry was granted left the person free to take up employment. Therefore, a change of status such as is possible in the US, would generally be denied in the UK.

## Commonwealth Applicants Who Can Seek Employment without Work Permits

### a. UK Ancestry

Persons who have one grandparent born in the UK. They may enter the UK for four years to work there. After this period, permanent residence is usually granted. One may also change from another immigration category to this one, whilst still in the UK.

### b. Working Holidaymaker

Persons aged between 17 and 27 years (inclusive), coming to the UK on an extended holiday prior to settling in their own country, who take employment which will be incidental to their holiday. They may stay on this basis for up to 2 years.

Additionally, the following are some categories which would not require a work permit. Persons in these categories would be initially admitted for a 12-month period:

- **Au Pair:** This is an arrangement where an unmarried girl aged between 17 and 27 and without dependents, who is a national of a Western European country, may live for a time with an English speaking family, in the UK. She would help with the housework, take care of any children in the household, and receive pocket money.
- **Ministers of religion:** This includes missionaries and members of religious orders. Proper evidence, supporting documents, and established bona fides are required by the immigration authorities.
- **Sole representative of an overseas firm in the UK.**
- **Representatives of overseas newspapers, news agencies and broadcasting organizations.**
- **Doctors and dentists coming for postgraduate training in the UK.**
- **Private servants:** Persons 18 years and over, employed by diplomatic or consular missions.
- **Foreign government and UN agency employees.**
- **Seamen joining a ship due to leave British waters.**
- **Airport based operational ground staff of foreign airlines.**
- **Teachers and language assistants coming under exchange schemes approved by the Department of Education.**
- **Seasonal workers at agricultural camps:** They should be full time students, between 18 to 25 years of age.

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## Immigrating to UK

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We shall now discuss how to go about settling in the UK.

### Businessmen

Under this category we will discuss the provisions of law applicable to those who come to establish themselves in business or seek to be self-employed. If you are going to be in the UK to transact business, then the applicable provisions are those relating to visitors (which we shall discuss later).

The provisions relating to entry into the UK are essentially the same for those who are going to take on or join an existing business or establish a new one. They are:

- Your amount of investment should be £ 200,000 or more.
- Your share in the business should be proportional to your financial investment.
- You have to be engaged full-time in running the business and a need for your services must exist.
- Your income from the business should be

sufficient to maintain yourself and your dependants, without having to seek other employment or having to resort to public funds.

- Your investment and services must result in employment of at least two permanent UK residents. If you meet the above criteria, you would initially be admitted for a period of not more than 12 months. Extensions for a period not exceeding three years can be granted, and after the completion of four years you may get an indefinite leave to remain in the UK.

ing after property investments and non-executive directorships. You would also need to show close connections with the UK, for example, close relatives, previous residence, business connections or interests in the UK, etc.

Entry into the UK is normally granted for one year, with an extension of three years after the first year. After four *years* have elapsed, you may get leave to stay indefinitely in the UK. After this indefinite leave has been obtained, you are free to do whatever you want with your money, including transferring it out of the country.

For overseas lawyers, writers and artists, the rules are basically the same except that no investment is necessary and the employment creation criterion does not apply. They should be able to support themselves independently. They should not seek any work- other than that related to self-employment. Even for them, the period of stay granted would be up to one year, extendable by a further three years. After a period of four years is completed, indefinite leave to stay may be granted.

## Investors

This is a new category that requires an investment of £750,000 in Government stocks or in an UK registered company. Also, you need to have a sum of at least £1 million in the UK, out of which you can invest the £750,000. You must maintain a home in the UK and must be self-employed. Here too, you will be granted a stay of one year on entry, with an extension of three years. The main benefit of this category is that it is simpler and quicker than the others.

## Independent Means or Retirement

In order to apply in this category, you need to be at least sixty years old, and have an income of £25,000 per year 'without working'. you may work, for example, when it involves look-

### Note

If you gain entry into the UK on a work permit or as a businessman, investor, self employed person, sole representative or a person of independent means, your spouse and children (under 18 years), can also accompany you. The conditions attached to their stay are similar to yours: if you are prohibited from seeking employment, so are they. You would not be able to sponsor any other dependant unless you are a permanent resident of the UK. These provisions are not applicable to EEC nationals.

## Family Members

The immigration rules pertaining to relatives are restrictive and operate so as to limit the number who are eligible to settle in the UK. The various categories of relatives are as follows:

1. Spouses
2. Fiance(e)s
3. Children
4. Unmarried Persons
5. Other Relatives.

### 1. Spouses

To gain entry under this category, you would have to show that the marriage is not just one of convenience, i.e. its primary purpose is not

for entry into the UK.

Spouses of UK citizens and permanent residents are permitted entry initially for a period not exceeding twelve months. If the marriage is still ongoing after this first period, you will usually be granted permanent residence in the UK. After a total period of three years in the UK, you may then apply for UK nationality.

#### Note

As is evident, the regulation relating to children are harsh and their effects tend to be discriminatory. These provisions seem specifically designed to limit the number of children from the 'black commonwealth' countries joining their families in the UK.

## 2. Fiancés and Fiancées

Entry would be granted for a temporary period (normally 6 months), to enable the marriage to the UK citizen or permanent resident to take place. During this period, the fiance/fiancee is not permitted to work. It would have to be shown that the proposed marriage is not being entered into solely for the purpose of gaining entry into the UK. In India, since arranged marriages are still prevalent, you must bear one thing in mind — if you have not met your fiance/fiancee, then this would be sufficient to disqualify you from being admitted into the UK.

## 3. Children

The rules permit only unmarried children, under 18 years, to gain entry as dependants. Your parents should have sufficient funds to support you, and you should have accommodation in the UK.

No other children are eligible except 'in the most exceptional compassionate circumstances'. This means that they come under the category of other relations. The immigration laws make no provisions for bringing in a child for adoption. However, the Home Secretary has the discretionary power to make exceptions and permit the entry of a child for adoption provided that he is satisfied that certain conditions will be met.

## 4. Unmarried Partners

On 13 October 1997, the Home Office altered its policy on 'common-law' and homosexual partners. Now, those in a permanent heterosexual or same-sex relationship can apply for leave to enter or remain in the UK. However, the partners should have been living together for a period of at least four years, and should be legally unable to marry in the UK — for example, because one of the partners is already married to someone else, or because the partners are of the same sex (same-sex marriages are not officially recognized in the UK).

This type of application is considerably more difficult than a marriage application, as you would need to provide evidence of the length of the relationship, and its permanency.

## 5. Other Relatives

The rules for this category are even stricter, and the definition of 'other relatives' itself excludes all but the following:

- Sons and daughters who (as mentioned earlier), do not qualify under the children category.
  - Brothers and sisters.
  - Uncles and aunts.
  - Parents (or grandparents) of 65 or over.
- The rules for their entry are as follows:
- They live alone and are primarily dependant on the UK relatives.

- The UK relative sponsor has the necessary means to maintain them and also provide them with accommodation.
- There are 'exceptional compassionate circumstances', which includes that their standard of living is significantly below that of their own country. You can easily understand how difficult this provision makes it for anyone from India to qualify.

Before ending the discussion on dependants and relatives, it would be pertinent to mention that there are queues for entry to the UK and the waiting period is getting longer (3-9 months). Therefore, it would be advisable to check on the time it would take to obtain your entry clearance for admission to the UK as a dependant or relative. (The non-settlement visas are normally issued within 24 hours of application.)

#### *Note*

The application form in use is reproduced at the end of this chapter.

## **Political Asylum Seekers and Refugees**

The United Kingdom is a signatory to the 1951 Convention Relating to the Status of Refugees, and the 1967 Protocol to the Convention, and therefore, it is obliged to comply with these provisions.

In simple words, a refugee is a person who fears persecution in his home country. It is the discretion of the host country whether or not to grant asylum, but usually a person recognized as a refugee is not refused asylum. If a person is given refugee status under the provisions of the Convention, the UK immigration authorities would allow him four years limited leave to remain in the UK. After this, the refugee can apply for permanent resident status.

Throughout this period, no restrictions are placed on refugees regarding employment. Thus, refugees enjoy the same freedom as permanent residents to take up any type of employment or to engage in business activities of their choice.

## **Visa Fees**

- Single entry - Rs. 2,300
- Multiple entry (6 months)- Rs. 3,150
- Multiple entry (1 year) - Rs. 3,850
- Multiple entry (2 years) - Rs. 4,550
- Multiple entry (5 years) - Rs. 5,600
- All other long term entry - Rs. 3,500

## **Working Illegally**

As in the US, employers in the UK too are forbidden by law to hire illegal workers. From 27 January 1997, under Section 8 of the Asylum and Immigration Act 1996, it is a criminal offence to employ a person who does not have permission to work in the UK. This is applicable only in the case of those employees who start work on or after 27 January 1997.

## **Permanent Residence and UK Nationality**

If you apply under the businessman, investor, sole representative or independent means categories, you will usually be granted permanent residence after four years. Those on a full work permit, may also apply for permanent residence after four years. If you have spent ten years legally in the UK, you are usually granted permanent residence. The main benefit is for those who are in an immigration category that does not normally lead to permanent residence. For example, if you have been a student for many years in the UK, which does not in itself lead to permanent residence, you

can take advantage of this time factor. For example, if you have been a student for eight years, and then stayed on for another two years on a training permit, you would normally gain permanent residence.

Once permanent residence has been granted, there are no longer any restrictions on the work or business you may do in the UK, and no time limits on staying in the UK. Additionally, you have a right to apply for your parents and other relatives to enter the UK, if they are dependents. After being granted permanent residence, you can apply for UK citizenship after a period of one year.

### Naturalisation Requirements

You must be at least 18 years old and of good character. You should have sufficient knowledge of English. You should intend to live in the UK. You should have been living lawfully in the UK at the time of **your** application for naturalisation. During these five years, you must not have been outside the UK for more than 450 days; and in the last 12 months of the five year period, you should not have been outside the UK for more than 90 days.

### Important Addresses for Advice on Immigration

#### UK Immigrants Advisory Service (IAS)

- Head Office  
3rd Floor, County  
House 190 Great Dover  
Street London SE1 4YB  
Tel: 01713577511  
Fax: 01714035875

The services are free and you could benefit by consulting them if you do not want to spend money on lawyers. The agency has handled a number of immigration appeals and also renders advice.

The addresses of their other offices are as follows:

- **Birmingham**  
3rd Floor, Federation House  
2309 Coventry Road  
Birmingham B26 3PG  
Tel: 01217421221  
Fax: 01217421331
- **Cardiff**  
211a City Road, Roath,  
Cardiff CF2 3JD  
Tel: 01222496662  
Fax: 01222496602
- **Central London**  
2nd Floor, County House  
190 Great Dover Street  
London SE1 4YB  
Tel: 01713576917  
Fax: 01713780665
- **Detention & Advice Unit**  
2nd Floor, County House  
190 Great Dover Street  
London SE1 4YB  
Tel: 01713789191  
Fax: 01713789300
- **Glasgow**  
115 Bath Street, Glasgow G2 2SZ  
Tel: 01412482956  
Fax: 01412215388
- **Hounslow**  
71 Grove Road  
Hounslow, Mdx TJ1/3 3PR  
Tel: 01818141115  
Fax: 01818141116/1578
- **Leeds**  
9300 Matthew Murray House  
97 Water Lane, Leeds LS11 5QN  
Tel: 01132442460  
Fax: 01132431006
- **Legal Research Unit**  
Suite 7B, 7th Floor  
Blackfriars House,  
Parsonage  
Manchester M3 5JA
- **Manchester**  
Suite 7B, 7th Floor  
Blackfriars House, Parsonage  
Manchester M3 5JA  
Tel: 01618349942, Fax: 01618329322

- **Immigration Solicitors Unit**  
1st Floor, County House  
190 Great Dover Street  
London SE1 4YB  
Tel: 0171 357 8995/6917  
Fax: 0171 378 8504

- **Tribunal Unit**  
3rd Floor, County House 190  
Great Dover Street London  
SE14YB  
Tel: 0171 403 7594  
Fax: 0171 403 5875

### Addresses of British High Commission in India

- |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>- The British High Commission<br/>Shantipath, Chanakyapuri<br/>New Delhi- 110021.<br/>Tel: (11) 6872161<br/>Fax: (11) 6870062/2882</li> <li>- British Deputy High Commission<br/>Maker Chambers IV, Second Floor<br/>222, Jamnalal Bajaj Road<br/>Nariman Point, Mumbai - 400021.<br/>Tel: (22) 2830517/2330/3602<br/>Fax: (22) 2027940</li> </ul> | <ul style="list-style-type: none"> <li>- British Deputy High Commission 1,<br/>Ho Chi Minh Sarani<br/>Cartage- 700071.<br/>Tel: (33) 2825171/75<br/>Fax: (33) 2823435</li> <li>- British Deputy High Commission<br/>24, Morden Road<br/>Dianna - 600006.<br/>Tel: (44) 8273136<br/>Fax: (44) 8289004<br/>Website <a href="http://lilwww.fco.gov.uk/travel/download.asp">http://lilwww.fco.gov.uk/travel/download.asp</a></li> </ul> |
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## Germany

The country is officially known as the Federal Republic of Germany. Situated in the heart of Europe, the German borders are contiguous with the North Sea, Denmark and the Baltic Sea in the North; the Netherlands, Belgium, Luxembourg and France to the West; Switzerland and Austria to the South; and the Czech Slovak Federal Republics and Poland to the East. There are very few countries in the world that share borders with so many other countries. Germany has frontiers with as many as nine countries, five of which are fellow members of the EEC.

After the collapse of the Berlin Wall in November 1989, events moved so quickly that it has been difficult to even comprehend their significance. By early 1990, the goal of political unity was a thing of the past and a re-united Germany was planning to bridge a 45-year gap, leading to economic and social re-unification. Following this re-unification of Germany, the country went through a short period of eupho-

The reality that people of one country did, in fact, have two standards of life and that there were glaring differences in attitudes began to be felt in underlying racial tensions. In addition, there were definite signs of Neo-Nazi movements. But, there is no doubt that the country remains one of the dominant world economic powers.

Major changes took place in the country's economy after its re-unification. The changes are apparent, especially in the East German area. West Germany's economy has seen continuous expansion from 1948 to the present with the exception of its recessionary period in the mid 1970s. The economy is based on a free market with the State owning major segments of the public service only. Over a third of the GNP comes from exports, leading to the Deutsch Mark becoming one of the strongest currencies in the world.

As Germany is normally not a country to which people from India would want to emi-

grate, we will not discuss immigration possibilities in great detail. Formally, the Federal Republic of Germany is not an immigration country, and has no legal provisions for perma-

nent immigration. However, if you are absolutely desperate to leave your country, there are ways and means by which you can make it to Germany.

## German Visas

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### Visitor Visa

All Indian nationals who wish to travel to Germany require a valid visa.

#### Documents Required

- One yellow form duly filled and signed by you, in case your intended stay does not exceed 3 months. You will be required to fill out two white forms if your intended stay exceeds 3 months (a set of these forms are given at the end of this Chapter). One passport-sized photograph has to be submitted with each form.
- A valid passport.
- Flight tickets with confirmed return bookings.
- Valid health insurance covering your total stay in Germany.
- An invitation/sponsorship letter, attested by an appropriate authority in Germany.
- A certificate of employment in India.

### Tourist Visa

In addition to the above mentioned documents, you are required to show evidence of sufficient funds to finance your stay in Germany.

### Business Visa

- In addition to the above mentioned documents, you require:
- An invitation from a business partner in Germany.
- A recommendation letter from the Indo-German Chamber of Commerce.

### Visa to Join Spouse/Parent

#### Documents Required

- Two white forms 'Application for a Residence Permit', duly filled and signed by you.
- 2 passport-sized photographs.
- To each of the forms a copy of the marriage certificate, (if not in English, then with an English translation), must be attached. In case of children joining their parent(s), the marriage certificate of the parents, as well as their own birth certificates, must be attached.
- Copy of the German residence permit of spouse living in Germany
- Work permit/Employment letter & salary certificate of spouse living in Germany.

#### Note

The marriage certificate (and birth certificates of children) must be attested by the Ministry of External Affairs, New Delhi.

### other Conditions

- A non-refundable visa fee of Rs. 1,800 is charged.
- The processing of your application will take 4-6 weeks. So, it is advisable to plan your travel well in advance.
- Applications sent by mail are not accepted.
- The visas cannot be extended.

## Immigrating to Germany

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Despite the re-unification of Germany, the western part of the country continues to be sought by refugees, asylum seekers and other immigrants. It would be worth bearing in mind that Germany is fraught with racial discrimination and you will face a lot of it in your day-to-day work — especially with the sudden emergence of neo-Nazi movements. Hence, we again emphasize that unless you have no other choice, you should not consider Germany as a prospective country in which to settle down.

### General Ways of Immigrating to Germany

- By marrying a German national.
- Having close relatives who are working there and are German citizens.
- Obtaining employment and a work permit.

The other method of gaining entry into Germany which is being increasingly used by refugees and asylum seekers is to take a flight from your country to Berlin and land in the eastern part of Germany and from there cross over to the western part of Germany. Despite the Berlin Wall being broken down in November 1989, there is still a definite distinction between both parts of Germany and this method of illegally immigrating is still used by many. You have to show your passport only at the eastern part of the German border and after that it is not necessary. Now that there is no East or West Germany, chances of things fouling up are more than before. Therefore, unless you are really desperate — don't do this. Not many asylum seekers are successful in staying on in Germany. There are no deportation laws

but unless you possess convincing documents, you will not be given permission to remain.

As you can see, the situation is not exactly rosy. Discrimination is rampant in Germany and Asians are referred to as *blackies* in a very derogatory manner. Hence, Germany is recommended only as a fairly desperate, last resort for immigration.

### Work Permit

If one obtains a work-permit, then the situation is slightly different. You are not treated as shabbily as say, a refugee might be. However, a work-permit does not give you the licence to immigrate. In fact, German authorities will ask you to either extend your stay formally or leave the country once your time is up.

Also, labour needs in Germany are met with work forces from member states of the European Union and states with which Germany has special arrangements for labour recruitment. Therefore, employment of other foreign nationals is limited. Needless to say, obtaining a work permit is thus, very difficult. If you have gone on a visitor's visa, working is strictly prohibited (though some still manage to do so illegally).

#### Note

Business investment is not really encouraged on a large scale. Only if there is an interested party in Germany, will the authorities over here even consider sending you to Germany. Again the authorities in the embassy here do not give the final decision — the last 'say' lies with the German Government itself.

### Addresses of German Embassy in India

- Embassy of the Federal Republic of Germany  
50M, Shantipath, Chanakyapuri  
New Delhi — 110021.  
Tel: (11) 6871889/90/91  
Fax: (11) 6877623
- Consulate General of the  
Federal Republic of Germany  
"Hoechst House", 10th Floor  
193, Backbay Reclamation  
Nariman Point, Mumbai-400021.  
Tel: (22) 2832422/1517/2661  
Fax: (22) 2025493
- Consulate General of the  
Federal Republic of Germany  
1, Hastings Park Road  
Alipore, Calcutta-700027.  
Tel: (33) 4791141/42  
Fax: (33) 4793028
- Consulate General of the  
Federal Republic of Germany 22,  
Ethiraj Road Chennai-  
600015. Tel: (44)  
8271747/3593/7637 Fax: (44)  
8273542



# AUSTRALIA

**A**ustralia is the sixth largest nation in the world, after Russia, Canada, China, The United States and Brazil. It is the only nation which by itself occupies an entire continent. With a land area of 7.6 million sq. km, Australia is the largest island and the smallest continent on Earth.

It is one of the most urbanized countries in the world, with about 70% of the population of 18.3 million, living in its 10 largest cities. Australians enjoy a high standard of living by world standards.

## Main Cities

Australia has three main cities, all situated in the southeast; namely Canberra, Melbourne and Sydney.

### Canberra

Canberra is Australia's capital and has a population of over 300,000. It lies half-way between Melbourne and Sydney. It is home to the Parliament House, the Royal Australian Mint, the Australian Art Gallery, the High Court, the War Memorial, and the National University. Apart from this, Canberra is the Headquarters of the Commonwealth Scientific and Industrial Research Organization.

Canberra is a lovely city which encompasses

tracts of unspoiled bushland and national parks and is surrounded by mountains. Kangaroos and other indigenous wildlife can be seen at the nearby Tidbinbilla Nature Reserve. The city has light industries and a prospering tourist trade. Given its natural beauty and modern urban facilities, Canberra would be a good choice for prospective immigrants.

### Melbourne

This city is the capital of the state of Victoria and Australia's second largest city. It has a population of about 3.2 million. The largest number of immigrants in Australia live here. Melbourne dominates the economic life of Victoria and is the centre of major financial institutions. The city's most important industries include metal processing, engineering, textile and cloth manufacturing.

The size and composition of its immigrant population give Melbourne the most cosmopolitan atmosphere of any urban area in *Australia*, and you would feel more at home here than anywhere else in the country. The city offers a dazzling variety of shopping and eating establishments (Indian restaurants do a good business), thriving markets, a large number of beautiful parks and gardens, & hosts renowned sporting events.

## Sydney

This major tourist centre is the capital of New South Wales. It is Australia's oldest European settlement and largest city, with a population of almost 4 million. It is also the most well-known of Australia's cities, and its unique Opera House

located on the shores of the harbour has become a world-famous architectural landmark. Manly and Bondi beaches add greatly to the charm of the area.

Sydney enjoys a temperate climate. If you are a surf and sun fan, then Sydney would be good place for you.

## Visas

You may get a visa to visit Australia only if you:

- are intending a genuine visit to Australia
- are of good health (except medical visitor)
- are of good character
- do not have any restrictions on your travelling to Australia (such as having breached conditions of entry on a previous visit)
- have adequate funds to support yourself during your visit, or provide evidence of assurance of support from a permanent resident of Australia, and
- are not seeking to remain permanently in Australia.

### • Visitor Visa

The procedure for getting a visitor visa for Australia is simple and the requirements can be easily understood from the instructions given on the application to visit Australia, which is available from the Australian High Commission or Embassy.

There are three visitor visa classes:

1. Short Stay Visitor Visa
2. Long Stay Visitor Visa
3. Medical Treatment Visa.

#### Short Stay Visitor Visa

This is for a stay of three months or less, mainly for tourism purposes. For a 'short validity' of one year, there is no application fee, but for a long validity' of four years, a non-refundable application fee of A\$ 50 must be paid.

#### Long Stay Visitor Visa

This class is for a stay of more than three months. A non-refundable application fee of A\$ 50 must be paid.

#### Medical Treatment Visa

This class is for either elective or emergency medical treatment. Those accompanying you must also apply for a medical treatment visa. A non-refundable application fee of A\$ 35 must be paid, for a stay exceeding 3 months.

#### Note

- i) Written statement of the purpose of your visit, giving details of family and business connections in your country would be required.
- ii) If you are employed, you should also produce a letter from your employer and a written sanction of leave from your job.
- iii) If you are visiting relatives or some other contact in Australia, it is helpful if they provide you with a letter setting out how long they expect you to stay, what plans have been made for the stay in Australia and whether they have previously supported a visitor to Australia.
- iv) If you are 70 years or over, you will be asked to show evidence from your doctor that you are fit to travel and that you have medical insurance to cover your stay in Australia.

### • Business Visa

For entry to conduct business, undertake negotiations and discussions or attend seminars, within a short stay, you must have a letter from your employer stating the purpose and length of your visit, that your firm will bear the cost of your stay, and that you will return to your job after the visit. If you are going for business on your own behalf then you must submit a written statement giving details of your intended business supported by a permit from the Reserve Bank of India and also a letter from the Australian company with which you will be dealing.

For a Temporary Business Entry Visa (TEE) Short Stay, i.e. up to 3 months, a non-refundable application fee of A\$50 must be paid. The charges for a TEE Visa Long Stay, i.e. from 3 months to 4 years, are A\$145.

### • Student Visa

To be granted a Student (Temporary) Visa you must:

- be a genuine applicant for entry to Australia as a student.
- be accepted for a full-time course of study that is registered by the Australian Government for overseas students.
- seek only temporary entry to Australia.
- have adequate means of support for yourself and your family members in Australia, for the duration of the course.
- have paid the Overseas Student Health Cover (OSHC), i.e. health insurance for you and any accompanying family members. The current premiums for OSHC are A\$ 274 for a single person and A\$ 548 for an entire family.
- have made arrangements for the education of any school age dependents (between the age of five and eighteen).
- satisfy health & character requirements, (all applicants have to undergo a medical and radiological (x-ray) examination before a visa is granted).
- abide by visa conditions.

### Documents Required

- A non-refundable application fee of A\$285, in the form of a bank draft only, payable to the Australian High Commission, New Delhi.
- Completed application form and supplementary questionnaire.
- 4 recent passport type photographs.
- Educational documents/Employment references (one photocopy and original certificates).
- Offer of Enrolment/Acceptance Advice Form issued by the college.
- A letter from your sponsor.
- A letter from the sponsor's employer, if employed.
- A non-refundable application fee of A\$35 must be paid.
- Personal bank statement of the sponsor.
- Any other document pertaining to financial standing like fixed deposits, tax returns, property etc. (Except bank statements, all other documents must be notarized.)
- Evidence of your parents' support, if they are funding your study.
- Reserve Bank of India's permit (one photocopy).
- Statement from a chartered accountant regarding the immovable and movable assets owned by your parents.

**Note**

A statement of movable and immovable assets of your parents is essential even in the case where a sponsor is supporting your application.

- Valid passport.
- Letter of correspondence, if any, with the concerned educational institution.

**Visa Conditions**

- You must leave Australia before your visa expires as it is not valid for the grant of permanent residence.
- You must satisfy course requirements and maintain a valid enrolment.
- You are not permitted to work more than 20 hours a week while the course is in session.
- Your family members cannot work more than 20 hours a week. Dependents of post graduate students, however, have unrestricted work rights.

**Note**

Members of the family include spouse (including defacto spouse), unmarried dependent children under 18 years of age, and fiancé(e) intending to marry the holder of a Student Visa within three months of arriving in Australia.

As a guide only, the cost of living including accommodation, food, transport, clothing and

general expenses could range from A\$ 12000 - A\$ 14000 per annum or more, depending on lifestyle and the location in Australia where you choose to study. This figure will be higher where dependent(s) intend to accompany you.

**• Temporary Residence Visa**

Australia has a temporary residence program, which allows entry to foreigners for specific purposes beneficial to Australia.

**Business/Skilled Temporary Residence**

This allows Australian employers to overcome labour shortages by hiring overseas personnel, e.g. business executives, researchers, medical practitioners etc.

**Non-Business Temporary Residence**

This covers social/cultural (e.g. retirees, entertainers, sportspersons, media staff, etc.), and international relations (e.g. exchange workers, working holidaymakers, domestic workers, trainees foreign government agency staff, etc.)

A non-refundable fee of A\$ 145 is charged. In most cases, you should be sponsored by the Australian employer, and meet health and character requirements.

**Note**

The application forms currently in use are shown at the end of this chapter.

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## Immigration

Australia is a very sparsely populated country. Its 18.3 million people occupy a land area totaling 7.6 million square kilometers, giving it a population density of a little over two persons per square kilometer. Contrast this with India where 960 million people inhabit 3.39 million

square kilometers, yielding a density of over 283 people per square kilometer.

Being aware of the benefit to be derived from immigration, Australia has consequently followed a comparatively liberal policy with regard to it.

## 134/ Going Abroad

Australia's immigration program has three main components.

1) Family Migration

2) Skill Migration

3) Refugee, Humanitarian and Special Assistance Migration.

In addition, former citizens and residents of

Australia, as well as dependent of New Zealand citizens can also apply for immigration into Australia.

### • Family Migration

The visa classes in this component reunite close family members of Australian citizens

#### Checklist: Family Migration to Australia

| Visa Class                                                                                 | Eligibility Criterion                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Spouse</li> <li>• Prospective marriage</li> </ul> | <p>A husband, wife or defacto partner.</p> <p>A prospective spouse (fiance(e)) intending to marry in Australia. Must have personally met the sponsor. You will first receive a temporary visa for upto nine months. Must marry your sponsor and apply for permanent residency in that period. You will be granted a two-year visa if requirements are met. A permanent visa can be obtained if your relationship is on going at the end of two years.</p> |
| <ul style="list-style-type: none"> <li>• Child</li> <li>• Adoption</li> </ul>              | <p>A natural or adopted child who is a dependent.</p> <p>a) An adopted child under 18; the adoption must be supported by the state/territory welfare authorities in Australia; or<br/>b) A child under 18, adopted by an eligible sponsor who intends to settle in Australia, while resident overseas for at least one year prior to the time of application.</p>                                                                                         |
| <ul style="list-style-type: none"> <li>• Parent meeting balance of family test</li> </ul>  | <p>An aged parent of the sponsor. If not so, then must have a minor dependent child who is an Australian citizen, permanent resident or eligible New Zealand citizen living permanently in Australia. Sponsor is normally expected to satisfy two year residential requirement. Parents must pass the balance of family test i.e. at <i>least half your</i> children must live in Australia</p>                                                           |
| <ul style="list-style-type: none"> <li>• Orphan relative</li> </ul>                        | <p>Must be under 18 years of age and unmarried.</p>                                                                                                                                                                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>• Carer</li> </ul>                                  | <p>A relative able to give help to an Australian relative or member of the family, who has a proven medical need and no other assistance is available in Australia.</p>                                                                                                                                                                                                                                                                                   |
| <ul style="list-style-type: none"> <li>• Aged dependent relative</li> </ul>                | <p>Applicant should be unmarried. Proof that the applicant is dependent is necessary. Sponsor is normally expected to satisfy two-year residential requirement.</p>                                                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>• Remailing relative</li> </ul>                     | <p>Applicant and spouse should have no siblings, non-dependent children or parents outside Australia. Sponsor is normally expected to satisfy two year residential requirement.</p>                                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>• Interdependent partner</li> </ul>                 | <p>The relationship should have existed for 12 months immediately prior to the application &amp; be ongoing.</p>                                                                                                                                                                                                                                                                                                                                          |

and permanent residents. Australia is by far the most liberal country in this respect, and actively follows a policy of family reunion. To this end, Australia allows your spouse, children, parents, brothers and sisters to gain residency. Aunts, uncles and cousins are not eligible for entry under the family reunion policy since they are not considered close relatives. However, Australia is one of the few countries which grants residency to even a fiance or fiancée.

So, if your aim is to have all of your immediate family ultimately join you, then the minimal restriction on the immigration of relatives could be a strong factor in opting for Australia. Applicants for family migration classes must be sponsored by a relative or interdependent partner who is an Australian citizen, permanent resident or eligible New Zealand citizen living in Australia and at least 18. Your sponsor may be required to provide an assurance of support on your behalf to the Australian High Commission where you have applied.

The visa classes for the family immigration, along with the eligibility criterion, are listed in the accompanying checklist.

### • Skill Migration

As previously stated, Australia is one of the more liberal countries in permitting immigration. If your field of expertise or skills have been deemed to be in demand in Australia by the government, you would qualify for permanent residence and eventual citizenship. You would accomplish this without having to undergo the difficult procedures encountered in such countries as the US.

#### Note

- The preliminary application for migration, which is reproduced at the end of this chapter, is available from the Australian High Commission and states that you must be 'trained and experienced and in a profession, technical or skilled trade or other occupation for which there is a demand in Australia' in order to be considered for settlement. This form is simple to fill out and does not require any supporting documents such as a resume, references, etc.
- The purpose of the application is to short-list you from among all the applicants and give you a decision on whether you have prima facie a case for migration. If you do, then you will be sent more detailed forms to complete, and the process for further consideration of your application to settle in Australia would begin.
- In most cases, it would be helpful if you had a job offer from an Australian employer. It would not matter if you were to lose your job within a few months after entering Australia. Your only problem then would be to look for another position. (Occupational mobility is relatively high in Australia.)

The categories of skill or qualifications which are in demand continually change. For you to be allowed entry on this basis, your category has to be in the needed list at the time of your making the application. The skill migration component is designed to contribute to Australia's economic growth. To be considered under this category, you should have skills readily transferable to and for which there are opportunities in the Australian labour market and/or the business world.

The various skill migration visa classes are listed and described below.

1. Independent Category
2. Skilled-Australian-Linked Category
3. Skilled-Regional-Linked Category
4. Business Skills Category
5. Regional Sponsored Migration Scheme (RSMS)
6. Employer Nomination
7. Labour Agreement
8. Distinguished Talent

### 1. Independent Category

This includes people whose skills can contribute to the Australian economy. Applicants must pass the points test which are given at the end of this chapter in Annexure I.

### 2. Skilled-Australian-Linked Category

This includes:

- A non-dependent child
- A working-age parent
- A brother or sister
- A niece or nephew.

Applicants must be sponsored by a relative in Australia and pass the points test given at the end of this chapter in Annexure I.

### 3. Skilled-Regional-Linked Category

This includes:

- A brother or sister
- A niece or nephew
- A self-supporting child
- Parent
- A first cousin or grandchild.

They have to be sponsored by a relative who meets a one year residential requirement and who has not received social security benefits for more than two weeks in that period.

Applicants must be under 45, have 'functional' English and a qualification comparable to an Australian diploma or higher, which is related to their occupation.

### 4. Business Skills Category

Australia allows you to emigrate if you are a successful businessman or have been a senior executive in a large company. In addition to this, if you have a certain amount of funds for

making a business investment in the country, it will prove helpful. The governments objectives are to bring new skills and the latest technology into the country, boost exports, and increase employment opportunities for residents.

The business skills class comprises of five subclasses. These are:

- (i) Business owner.
- (ii) State/territory sponsored business owner. Sponsorship has to be by an authorized Australian State/Territory business development agency.
- (iii) Senior executive.
- (iv) State/territory sponsored senior executive: Sponsorship has to be by an authorized Australian State/Territory business development agency.
- (v) Investment linked.

In order to qualify for immigration under this category, you must satisfy the requirements of one of the subclasses and also pass the points test for that subclass. <sup>o</sup>

The minimum score needed is 105.

#### Note

For further information on designated investments offered by State/Territory Treasury Corporations, contact the Australian mission. You should not make a designated investment until the office processing your application advises you to do so in writing. You are not required to make the investment in the state/territory you wish to settle in, in Australia. You must own the funds for your investment personally, and they have to be legally accumulated as a result of your business activities.

The points test for each of the subclasses in this category is explained in detail at the end of this chapter in Annexures II, III and IV.

### 5. Regional Sponsored Migration Scheme (RSMS)

This allows Australian employers in low growth regions to fill skilled permanent vacancies with people who are not permanent residents of Australia, when the employer is unable to find suitable persons in Australia.

The position must be full-time and available for at least two years. Applicants must be under 45, have 'functional' English and diploma level qualifications related to the occupation.

### 6. Employer Nomination

This provides for the migration of skilled people nominated by employers who are not able to find or train workers in Australia.

### 7. Labour Agreement

This provides for the migration of people with skills, qualifications and experience required by a labour or regional headquarters agreement. Applicants must be nominated by an employer under the agreement.

### 8. Distinguished Talent

This provides for the migration of people with an exceptional record of achievement in any field; an occupation, the arts or sport.

### • Refugee, Humanitarian and Special Assistance Migration

Australia also provides for the possibility of immigration for refugees, but the process for gaining entry is not as easy as say, in Canada. In this category you will need to be able to provide evidence of who is being affected and what is causing the physical or emotional harm.

Any person living overseas who claims to be a refugee or feels that he/she may be eligible to

migrate to Australia on humanitarian grounds can apply. Also the spouse and dependent children of a humanitarian visa holder or protection visa holder, already resident in Australia, may apply.

### Special Eligibility

You can also apply if you come under any of the following categories:

- **Former Australian citizens:** If you lost Australian citizenship but have maintained ties with Australia.
- **Former residents of Australia:** You should have spent most of your life, before age 18, in Australia, left without acquiring citizenship and maintained ties with Australia.
- **Dependents of New Zealand citizens:** Allows entry of dependents (other than a spouse) of New Zealand citizens who have settled or intend to settle in Australia. The New Zealand citizen must satisfy health and character requirements.

### Dual Nationality

Australia permits its citizens to hold dual nationality. Therefore, when you become an Australian citizen, you can retain your original national status if you are a citizen of a country that allows you to do so. However, if after becoming an Australian national you were to pursue and obtain for instance, British citizenship by investing pounds 200,000 in the UK, then you would lose your Australian passport.

Once you become an Australian citizen you automatically acquire the right to reside in New Zealand under a reciprocal arrangement between the two countries.

### Some Immigration Firms

**Disclaimer:** The addresses provided below have been collected from various sources and are in-

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tended as an information guide only. This book does not in any way endorse them. Also, we can not and do not vouch for their reliability. Your using their services will be entirely at your discretion.

- Morris Migration Services  
Level 13, 92 Pitt Street  
Sydney NSW 2000  
Australia  
Tel: 61 2 9221 1955  
Fax: 61 2 9221 5229
- Southern Cross Migration Services  
Suite F9 West Centre  
1260 Hay St. West Perth  
WA 6005, Australia  
Tel: 61 8 9321 9516 (O)  
Fax: 61 8 9321 7644  
Email: [balan@topservice.com](mailto:balan@topservice.com)
- Australian Migration Agents Pty Ltd.  
143 Coolibct Drive  
Geelong, WA 6024  
Australia  
Tel: 618 9246 4088  
Fax: 618 9447 6301  
Email: [amatta.jsimigration.com.au](mailto:amatta.jsimigration.com.au)  
Website: [www.austriqration.com.au](http://www.austriqration.com.au)
- J. Solt & E Yao  
Anson International Pty Ltd.  
Tel: 618 94816771  
Fax: 618 94816767  
Email: [artsam@servcom.com.au](mailto:artsam@servcom.com.au)
- La...hu (Meyer & Associates) Stile  
306, 410 Elizabeth St.  
Sydney 2010  
Australia  
Fax: 612 92114312  
Email: [thevar@ozemail.com.au](mailto:thevar@ozemail.com.au)

#### Addresses of Australian High Commission in India

- |                                                                                                                                                  |                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| • Australian High Commission<br>1/50 G. Shantipath<br>Chanakyapuri<br>New Delhi- 110021.<br>Tel: (11) 6888223/5556, 6072035<br>Fax: (11) 6874126 | • Australian Consulate General<br>Maker Tower 16th Floor<br>Cuffe Parade, Colaba<br>Mumbai - 400005.<br>Tel: (22) 2181071172.<br>Fax: (22) 218822&189 |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|



## CHAPTER

# NEW ZEALAND

**A**OTEAROA - 'Land of the long white cloud' — is what New Zealand is called in Maori, its native language. It is a beautiful island country lying in the South Pacific Ocean, spanning 270,000 sq. km.

New Zealand's North & South Islands, (which are separated by the Cook Strait), cover roughly the same area as Great Britain, but a population of just 3.6 million makes the country one of the world's least crowded.

Wellington, the capital, only a two and a half-hour flight from Sydney, is situated on North Island, as is its other major city, Auckland. South Island's principal cities are Christchurch and Dunedin. New Zealand enjoys a temperate climate with relatively small seasonal variations between warm summers and mild winters.

New Zealand's economy depends heavily on overseas trade. Agriculture, manufacturing industries and tourism are of prime importance.

## Visas

A visa is merely permission to travel to New Zealand. Once you get there, you will be given an appropriate permit, which allows you to visit, work or study in New Zealand.

### Visitor Visa

The duration of this visa is normally for 9 months, extendable by a further 3 months.

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- The application form and the supplementary visitor information form.
- A non-refundable visa fee of Rs. 1,420. It must be paid by bank draft, drawn on a

New Delhi bank, made payable to the 'New Zealand Immigration Service'.

- One recent passport-size photograph for each person travelling.
- Valid passport for each person travelling.
- Evidence of funds to support yourself in New Zealand or a 'Sponsoring a Visitor' form, filled by your sponsor in New Zealand.
- If you are travelling on business, then letters of invitations or correspondence with New Zealand business concerns, would be helpful.

The processing time of applications is at least three working days. You may also be called for an interview.

## Work Visa

You require an offer of employment in New Zealand, to apply for a work visa. Work visas may be issued for a maximum of three years. A non-refundable fee of Rs. 3,070 is charged. Along with your application form, you are required to provide documentary evidence of your qualifications and experience. You should also produce medical and police clearance certificates. The latter applies to all persons over 17 years of age. You may also be called for an interview. Since all documents have to be verified, the processing takes a while.

## Student Visa

You should be enrolled in an approved New Zealand educational institution, and should have paid the full fee of your course. You should also have a letter of 'Guarantee of accommodation in New Zealand'. You should be able to prove that you have sufficient financial

resources to support yourself in New Zealand (e.g. bank statements, land ownership papers etc.), and produce evidence of your travel arrangements. You must also pass health and character requirements. A non-refundable fee of Rs. 4,490 is charged.

If you are visitor in New Zealand, and wish to study part-time, you can apply for a Variation of Conditions to have your status adjusted. As a post-graduate student, you can apply for a Variation of Conditions, to work in the University for a maximum of 8 hours per week.

After you complete your course of study, and if you receive an employment offer related to your qualification, then you can apply for a work permit, which allows you to work for a maximum of two years. You should have adequate health insurance for the duration of your stay.

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The application forms currently in use are shown at the end of this chapter.

# Immigration

Prospective migrants are considered for residence under four major categories:

1. General skills category
2. Business investment category
3. Family category
4. Humanitarian category

## • General Skills Category

General Category applicants are assessed and ranked under a point system which awards points against a number of standard quality criteria. (See Annexure I at the end of this chapter).

To obtain residence under this category you must score enough points to meet the passmark applicable at the time of your application, and meet other requirements.

Applications under the General Skills Category with a points score of 24 or less will be rejected. Only applicants scoring 25 points or more, with at least 1 point for work experience will be approved if they meet the relevant weekly passmark.

The passmark is recalculated at the start of each week. You can check the current passmark from the nearest New Zealand consular office or from an office of the New Zealand Immigration Service.

## • Business Investment Category

Applicants are assessed on the basis of their skills, work or business experience, and their ability to transfer business investment funds of

a specified amount to New Zealand, and invest it for a specified period. This category also involves a point system; see Annexure II at the end of this chapter.

To obtain residence under this category, you must meet the passmark applicable at the time of your application, make an acceptable investment and meet other requirements.

Applicants with a points score of 11 or less will be refused. Applications scoring 12 points or more be approved only if they meet the relevant weekly passmark.

Applicants must score at least one point for accumulated earnings funds to be approved.

### Transfer and Investment of Funds

Once your application is approved in principle, you will have to transfer your funds to New Zealand within six months.

While transferring direct investment funds, you have 12 months and can be given a work visa so you can go to New Zealand to decide how to invest your funds. Your residence in New Zealand depends on your retaining the funds in an acceptable investment for two years. If you do not do so, your residence may be revoked.

#### *English Language Ability*

If you are applying under the General Skills or Business Investor Categories, then you and any accompanying family members aged 16 and over must satisfy the specified standard of English language.

You should be able to prove that you:

- meet band level 5 (for General Skills) or band level 4 (for Business Investors), in each of the four modules of the International English Language Testing System (IELTS) General Module or Academic Module; or
- have an English language background.

### • Family Category

The Family Category provides for those relatives of New Zealand citizens or residents who wish to migrate to New Zealand.

To obtain residence under the family reunion policy, you must have a sponsor, who is living in New Zealand lawfully and permanently. You must also produce evidence of:

- your relationship to your New Zealand relative or a spouse/partner.
- the New Zealand citizenship or residence status of your family in New Zealand.
- the residence status of parents, children, brothers or sisters residing outside New Zealand or in their home country.

You can apply under the following categories:

1. Marriage, *de facto* and homosexual relationships
2. Parent
3. Sibling/Adult Child
4. Dependent Child.

#### 1. Marriage, *de facto* and Homosexual Relationships

You may obtain residence if you are:

- married to and living in a genuine and stable relationship with a New Zealand citizen or resident; or
- living in a genuine and stable *de facto* relationship for at least two years with a New Zealand citizen or resident; or
- living in a genuine and stable homosexual relationship for at least four years with a New Zealand citizen or resident.

#### *Note*

You and your partner may be called for an interview with the New Zealand Immigration Service.

## 2. Parent

You may obtain residence if you have an adult child aged 17 years or more in New Zealand, and

- if you have no dependent children - all your adult children are living permanently outside your home country; or
- if you have no dependent children - you have an equal or greater number of adult children lawfully and permanently resident in New Zealand than in any other single country, including your home country; or
- if you have dependent children - you have an equal or greater number of adult children lawfully and permanently resident in New Zealand than in any other single country, including your home country. The number of dependents must be the same as, or less than, the number of adult children permanently resident in New Zealand.

## 3. Sibling/Adult Child

You may apply under this category if you have a New Zealand citizen or resident parent, brother or sister, who is willing to be your sponsor, and

- you are single (includes widowed or divorced); and
- you do not have children; and
- you do not have any immediate family in your home country.

## 4. Dependent Child

You may apply under this section if you are aged 19 or less, and

- you are single; and
- you do not have children; and
- you are totally or substantially dependent on your parents or guardians financially; and
- your parent(s) live lawfully and permanently in New Zealand; and
- i) you were born or adopted prior to your parents applying for permanent resi-

dence, and you were declared on your parents' application; or

- ii) you were born after your parents applied for permanent residence; or
- iii) you were adopted as a result of a New Zealand adoption, or an overseas adoption recognized by New Zealand law.

If your parents are separated or divorced, you must prove that the custody or visitation rights of a parent living outside New Zealand are not breached by you going to New Zealand.

## • Humanitarian Category

This category provides for the entry of people whose circumstances are exceptionally difficult and can only be resolved by being granted residence in New Zealand, and who have a close family connection with New Zealand.

You may apply under this category if:

- you or a New Zealand person(s) are suffering serious physical and/or emotional harm; and
- you have a sponsor who is a New Zealand citizen or resident, and is a close family member; and
- the only solution to the situation is the grant of residence; and
- it would not go against public interest to allow you to reside in New Zealand.

You will have to provide medical or psychiatric evidence as to who is being affected and what is causing the serious physical or emotional harm.

## Compulsory Requirements for all Residence Categories

All people included in the application must:

- have acceptable proof of their identity and relationship to each other (for example, birth, marriage, divorce or death certificates, adoption or custody papers).

- must meet the health requirements and also meet the character requirements. The latter mainly implies that a person applying for residence should not have a criminal record. Also police certificates are required for every person 17 years or over.

We have outlined above the residence policies under which prospective immigrants may apply and the criteria against which you will be assessed. It also outlines how you should assess yourself against the policies and criteria followed by the New Zealand Immigration Service.

It would be useful to note that the best way to immigrate to New Zealand is to first go there on a tourist visa for one to two months and hunt for a job. Gaining employment is relatively easy as, like Australia, the New Zealand work force too has a shortage of skilled labour. Once you get a firm job offer in writing, you can again contact the New Zealand authorities to apply for emigration to take up your new job.

## Some Immigration Firms

**Disclaimer:** The addresses provided below have been collected from various sources and are intended as an information guide only. This book

does not in any way endorse them. Also, we can not and do not vouch for their reliability. Your using their services will be entirely at your discretion.

- Kwan & Kwan - Solicitors  
Suite 1605 Regent Centre  
88 Queen's Road Central  
Hong Kong.  
Tel: (852) 2542 2066  
Fax: (852) 2543 4526  
Email: [kwton@asiaonline.net](mailto:kwton@asiaonline.net)
- Colin Chang,  
Everhope Consultants Ltd.  
P. O. Box 48110  
Block House Bay  
Auckland,  
New Zealand.  
Tel: 00 64-9-6271861  
Fax: 00 64-9-6271889  
Email: [everhope@xtra.co.nz](mailto:everhope@xtra.co.nz)

### Address of New Zealand High Commission in India

- New Zealand High Commission  
50-N, Nyaya Marg  
Chanakyapuri  
New Delhi-110021.  
Tel: (11) 6883170  
Fax: (11) 6872317  
Website: <http://www.immigration.govt.nz>.

PLEASE READ

## The Visitor's Guide

To make an application for a Visitor's Visa or Permit you will need to supply:

- completed, signed application form
- the application fee (see the leaflet New Zealand Immigration Fees)
- your passport (which must be valid until at least 3 months past the date you plan to leave New Zealand)
- a recent passport size photograph
- evidence of your financial support while in New Zealand. This may be:
  - NZ \$1000 per each person for each month, or
  - NZ \$400 for each person for each month if your accommodation is already paid (you will need to show evidence, such as prepaid hotel vouchers)
- Evidence of funds can be in the form of traveller's cheques, bank draft, letters of credit or a New Zealand bank statement in your name. Sometimes cash or credit cards may be accepted as evidence of funds
- If you do not have the required funds, you will need a guarantee of accommodation and maintenance from a New Zealand citizen/resident friend or relative who lives in New Zealand and is able to be your sponsor. Your sponsor should complete the Sponsoring a Visitor form.

**In addition, for a Visitor Visa you may be asked to supply:**

- evidence of onward travel
- valid ticket to a country to which you have right of entry, or
- guarantee of repatriation from a New Zealand citizen or resident friend or relative who lives in New Zealand and is able to be your sponsor. Your sponsor should complete the Sponsoring a Visitor form, or
- sufficient funds in New Zealand to purchase a **ticket** to a country to which you have the right of entry
- any other documents or information.

**In addition, for a Visitor Permit you must supply:**

- evidence of onward travel
- valid ticket to a country to which you have right of entry, or
- a guarantee of repatriation from a New Zealand citizen or resident friend or relative who lives in New Zealand and is able to be your sponsor. Your sponsor should complete the Sponsoring a Visitor form, or
- sufficient funds in New Zealand to purchase a ticket to a country to which you have the right of entry
- any other documents or information.

**Special Provisions exist for:**

- dependent children travelling without parents or with one parent (see Guide for Visiting New Zealand Booklet);
- Visitors for medical treatment and consultation (see Guide for Visiting New Zealand Booklet and Information for Medical Treatment Leaflet).

### Matters required by Privacy Act

The information about you on this form is collected to determine your eligibility for a Visitor's Visa or Permit.

The main recipient of the information is the New Zealand Immigration Service of the Department of Labour but it may also be shared with other Government agencies, which are entitled to this information under applicable legislation:

The address of the New Zealand Immigration Service is PO Box 3705, Wellington, New Zealand. **This is not where your application should be sent.**

The collection of the information is authorised by the Immigration Act 1987 and the Immigration Regulations 1991. The supply of the information is voluntary, **but** if you do not supply it then your application is likely to be declined.

You will, if you come to New Zealand, have a right to access the information **about** you held by New Zealand Immigration Service and to ask for any of it to be corrected if you think that is necessary.

**Your application should be sent to your nearest New Zealand Immigration Branch or New Zealand Embassy or High Commission.**

PLEASE READ

# The Student's Guide

To make an application for a Student Visa or Permit you will need to supply:

- completed, signed application form
- the application fee (see the leaflet New Zealand Immigration Fees)
- your passport (which must be valid until at least 3 months past the date you plan to leave New Zealand)
  - a recent passport size photograph
  - evidence of your financial support while in New Zealand. This may be:
    - a completed Financial Undertaking for a Student form; or evidence of NZ \$7000 per year (and provision for a ticket)
    - short term students (under 36-weeks) may provide evidence of financial support which is the same as a visitor to New Zealand (see the Visiting-New Zealand booklet, under financial requirements)
    - students from Tonga and Western Samoa may supply a Sponsoring a Visitor form for any length of study
    - an offer of a place at a New Zealand education or training institute.

In addition, for a Student Visa you may be asked to supply:

- evidence you have paid or are exempt from the course fees
- evidence of a guarantee of accommodation
- scholarship/exchange/vocational students supply a letter from the provider of the programme outlining details of the programme
- any other documents or information.

In addition, for a Student Permit you must supply:

- an offer of a place at a New Zealand education or training institute
- evidence you have paid or are exempt from the course fees
- evidence of a guarantee of accommodation
- scholarship/exchange/vocational students supply a letter from the provider of the programme outlining details of the programme
- or any other documents or information.

For people studying over two years:

- completed New Zealand Immigration Service medical and X-ray certificate
- a police certificate from your country of citizenship.

Special provisions exist for students from China and Iran (see Guide for Studying in New Zealand booklet).

## Matters required by Privacy Act

The information about you on this form is collected to determine your eligibility for a Student's Visa or Permit.

The main recipient of the information is the New Zealand Immigration Service of the Department of Labour but it may also be shared with other Government agencies, which are entitled to this information under applicable legislation.

The address of the New Zealand Immigration Service is PO Box 3705, Wellington, New Zealand. This is not where your application should be sent

The collection of the information is authorised by the Immigration Act 1987 and the Immigration Regulations 1991. The supply of the information is voluntary, but if you do not supply it then your application is likely to be declined.

You will, if you come to New Zealand, have a right to access the information about you held by New Zealand Immigration Service and to ask for any of it to be corrected if you think that is necessary.

Your application should be sent to your nearest New Zealand Immigration Branch or New Zealand Embassy or High Commission.

PLEASE READ

## The Worker's Guide

To make an application for a Work Visa or Permit you will need to supply:

- completed, signed application form
- the application fee (see the leaflet New Zealand Immigration Fees)
- your passport, which must be valid until at least 3 months past the date you plan to leave New Zealand)
- a recent passport size photograph.

You may also be asked to supply:

- details of the arrangements you have made for your living expenses in New Zealand
- details of the arrangements you have made to leave New Zealand at the end of your stay if your stay as a worker is over two years, a completed New Zealand Immigration medical and X-ray certificate
- if your stay as a worker is over two years, a Police Certificate from your country of citizenship
- any other documents or information.

If you have an employment offer in New Zealand:

- written offer of employment which outlines job title, description of duties, qualification/experience required, length of employment, salary and
- evidence of your qualifications/experience for the offer of employment and
- evidence of registration, if this is required for you to be employed in New Zealand and
- an approval in principle letter from the New Zealand Immigration Service, or if this is not available, evidence that the job can not be filled by a suitable New Zealand citizen/resident.

If you are in a relationship with a New Zealand citizen/resident:

- evidence of your relationship with a New Zealand citizen/resident, and
- evidence of your partner's New Zealand citizen/residence, and
- letter from your partner supporting this application.

Meet one of the special categories:

- written offer of employment.

Part of an employment exchange:

- written evidence that you have been accepted on an exchange.

### Matters required by Privacy Act

The information about you on this form is collected to determine your eligibility for a Work Visa or Permit.

The main recipient of the information is the New Zealand Immigration Service of the Department of Labour but it may also be shared with other Government agencies, which are entitled to this information under applicable legislation.

The address of the New Zealand Immigration Service is PO Box 3705, Wellington, New Zealand. This is not where your application should be sent.

The collection of the information is authorised by the Immigration Act 1987 and the Immigration Regulations 1991. The supply of the information is voluntary, but if you do not supply it then your application is likely to be declined.

You will, if you come to New Zealand, have a right to access the information about you held by New Zealand Immigration Service and to ask for any of it to be corrected if you think that is necessary.

Your application should be sent to your nearest New Zealand Immigration Branch or New Zealand Embassy or High Commission.



## CHAPTER 8

# JAPAN

**J**apan is an island country that lies in the Far East, covering an area of about 378,000 sq. km. It has a population of 126 million. The increase in population, however, has been exceeded by economic growth and the standard of living has been rising steadily.

The population density of 333 persons per sq. km exceeds India's, and yet has not hampered the country's progress. So much for a high services. A market economy predominates, although the government actively exercises administrative guidance in the private sector. Japan's capital, Tokyo, with a population of nearly 12 million, is one of the most populous cities in the world, with a relatively high population density. Japan's Gross National Product (GNP) per capita is among the highest in the world.

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### Establishing a Business

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Foreign enterprises may enter Japan by one of the following methods:

1. Establishment of a Representative Office
2. Establishment of a Branch Office
3. Incorporation of a Japanese Corporation

Under the Law Concerning Foreign Securities Houses, banks and securities firms are required to provide prior notification to the Minister of Finance.

#### Establishment of a Representative Office

Representative offices may be freely established for collecting and providing information in Japan. No permission, notification or report is required for the establishment of such an office, under the Foreign Exchange and Trade Control Law. However, under the Banking Law, and

#### Establishment of a Branch Office

This is classified as a form of direct domestic investment, under the Foreign Exchange Law, and requires prior notification to the Minister of Finance and the Minister in charge of the industry concerned. In addition, it must be registered under the commercial code, within three weeks of its establishment. Also a representative should be appointed and registered in Japan.

### Documents Required

- Application for registration, at a registry office of the Legal Affairs Bureau.
- Evidence of the applicant's head office in the home country.
- Documents supporting the incumbency of the representative in Japan (such as a letter of appointment/contracts).
- Documents showing the business objectives of the applicant.

There is a registration tax of 90,000 yen per office of a foreign company.

### Incorporation of a Japanese Corporation

It may include a joint venture with a Japanese company, a merger, a take over, etc. This is also treated as a direct domestic investment under the Foreign Exchange and Foreign Trade Control Law, and sometimes prior notification may be required. Other incorporation procedures are the same as those followed by Japanese enterprises.

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## Visas

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### Shortterm Stays (Excluding Work)

A temporary visitor visa, for a stay not exceeding 90 days, is granted for business trips, tourism, visiting relatives, attending conferences/seminars, etc. It may also be granted for participating in a sports event or a sports training camp or for participating in a cultural activity. You must submit the following documents to obtain a short-term stay visa.

- A valid passport.
- Visa application form No. 1-C, filled and signed by the applicant. This form is given at the end of this Chapter.
- Photograph (45mm x 45mm).
- Proof of sufficient funds in foreign exchange to cover expenses while in Japan (RBI permit/FTS!rravellers cheques, credit cards or guarantee letter from Japan).
- Return air ticket.
- Hotel reservation.
- Applications for visas to attend a conference should be accompanied by the sponsor's invitation and proof of maintenance. For business visas, a letter of invitation from a Japanese company or organization or from

the Indian organization which is sending you stating the reasons for entry.

- The processing fee.

Even the visitor's visa is rarely extended. Jobs are difficult to come by and if there are any going, obviously preference is always given to Japanese citizen's first. Even though it may be one of the leading countries of the world, it is not easy to visit or do business with. Also, you cannot change your status from visiting to working or studying.

### Work and Longterm Stays

Under this category, it is advisable to first apply for a Certificate Of Eligibility (COE). The application can be made by a proxy in Japan to a regional immigration authority. Possession of this considerably reduces the time required for obtaining a visa.

To work in Japan, you are required to be employed by an organization there. Depending on the occupation, the duration of a 'working visa', may vary from 6 months to 3 years.

You would need a 'study visa' to go as a college/pre-college student, trainee or for cultural

activities. As a student, you first need to be admitted to a school/college/university in Japan. If you are a trainee or someone going for cultural activities, then you must have an organization in Japan, capable of providing you with proper training and instructions. The duration of the visa may vary from 3 months to 1 year.

Dependents of those in the above mentioned

categories may also be granted visas to accompany the principal applicant.

#### Other Conditions

- A non-refundable visa fee of Rs. 250 is charged.
- Visa application forms sent by mail are not accepted.

#### Addresses of Japanese Embassy in India

- |                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Embassy of Japan<br/>50/G, Shantipath, Chanakyapuri<br/>New Delhi- 110021.<br/>Tel: (11) 6876564/81<br/>Fax: (11) 6885587</li> <li>• Consulate General of Japan<br/>No. 1, ML Dhanukar Marg<br/>Cumballa Hill<br/>Mumbai- 400026.<br/>Tel: (22) 493384313857<br/>Fax: (22) 4932146</li> </ul> | <ul style="list-style-type: none"> <li>• Consulate General of Japan<br/>12, Pretoria street<br/>Calcutta - 700071.<br/>Tel: (33) 2422241/2242<br/>Fax: (33) 2420954</li> <li>• Consulate General of Japan<br/>60, Spur Tank Road<br/>(Mayor VR Ramanathan Road)<br/>Chetput, Chennai- 600031.<br/>Tel: (44) 8265594/5605/4265/4349<br/>Fax: (44) 8278853</li> </ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



# THE MIDDLE EAST

**T**he economic health and growth of countries in the Middle East is inextricably linked with oil. Accordingly, the attractions these countries offer rest largely on the oil wealth being generated in the region.

The fluctuation in the fortunes of Middle Eastern countries is reflected in their ability to take on migrant workers from various countries. The expatriates come mainly from Egypt, India, Sri Lanka, Bangladesh, Pakistan, Philippines, Syria, Jordan, Lebanon, and even Iran and America. The 1970s and 1980s saw the biggest boom in construction work and in new business and industrial undertakings. The newfound oil wealth, even with all the 'grandiose projects', just couldn't be spent fast enough and, as a consequence, reserves accumulated at an astonishing rate. For instance, Saudi Arabia's reserves alone, exceeded \$ 100 billion (Rs. 1,25,000 crore). Almost everybody who was associated with the Middle East — from an ordinary unskilled labourer employed in construction activity to the employment agent in India, made immense sums of money.

The situation, however, changed completely in the early 1990s. Project upon project lay abandoned due to a paucity of funds. The economic scenario had just started to pick up

when it received another set-back due to the Iraqi invasion of Kuwait, the impact of which was felt all over the world. OPEC members faced massive deficits and had to manage from their diminishing reserves. The jobs disappeared as economic difficulties grew. For the thousands who left the comfort of hearth and home to toil endlessly under the merciless Arabian sun, the Gulf seemed to have lost its Midas touch. According to estimates, nearly 1.2 million Indians were unwilling to leave everything behind just to return to their homeland. But, now, at the turn of the millennium, things seem to be looking up once again in the Land of Black Gold. Once again newspapers are carrying more and more advertisements for overseas appointments.

## Employment in Middle Eastern Countries

In general, the Middle East is no longer as financially rewarding for expatriates as it once was. However, it still has a lot to offer Indians, because salary levels there remain several times higher than in India.

Most job opportunities in the Middle East for expatriates are advertised in overseas news

papers. Hiring is done either by recruiting agents or by the representatives of firms. Recruiting agents are contracted by firms to locate and screen suitable candidates. Representatives of firms interview and select expatriates to meet their manpower requirements.

When a candidate is selected, a contract is drawn up. This is, very often, a standard form contract. The terms usually include:

- free accommodation
- monthly food allowance
- leave and air fare entitlements, and
- medical coverage.

However, it is crucial that you negotiate the contract carefully so that all benefits are specifically provided for in it. To protect Indian workers from being deceived into accepting lower wages than the prevailing rates of remuneration, the Indian Labour Ministry assigns indicative minimum salaries to the various categories of employment. These categories are :

- unskilled
- semi-skilled, and
- skilled labour.

Salaries are not taxed and in most Middle Eastern countries there are no restrictions on salary remittances. Once you have entered into an employment contract, your visa and work permit will be arranged by the recruiting agent or company representatives.

At the end of this chapter you will find a sample contract between an Indian worker and a Saudi Arabian company. You will notice on it the stamp of the *Ministry of Labour -Protector of Emigrants, Delhi*. As an Indian national, you should have this stamp in any such contract you make. This will enable you to obtain the required emigration clearance endorsement in your passport which enables you to proceed to the Middle East to take up employment. Without this clearance, you may be prevented from leaving the country. This control was initiated by the Indian government to protect unsus-

pecting workers from being duped by unscrupulous recruitment agents.

However, this protection has proved to be illusory. The only function it serves is to place another hurdle in your path. You will also find a protection clause in the contract stating that this contract is the only valid one and cannot be substituted by another. This provision is incorporated on the instruction of the Indian government, ostensibly to safeguard emigrants from a subsequent change of contract which could prove to be detrimental for them.

Yet another effective method of finding employment, is going to the Gulf on a tourist visa, staying with a friend or relative and then hunting for a job. This mode is very popular, and nearly 90 per cent of the jobs are found this way.

## Salary and other Considerations

There are two basic categories of people seeking employment in the Gulf — the blue collared and the white collared. For the white-collared, the opportunities are not always the brightest, but vistas are still open for those who want to go to the Gulf at the managerial level. There are four levels of managerial jobs there. The ones in the highest rung take in a salary of 15-30,000 dirhams, per month; the second level make 10-15,000 dirhams, and the third level earn 8-10,000 dirhams. Add to this perks and additional benefits. The lowest strata of managers earn a salary in the range of 4-5,000 dirhams. However, Indians who have been in the region for a few years, assert that managerial positions, by and large, go to European and American employees.

For the labour force, the Gulf has always been the proverbial magic word. However, those who hope to make it in the Gulf today will have to face a lot of obstacles, like lower wages and manpower competition from other countries.

**Note**

Some Middle Eastern companies are finding it increasingly difficult to attract expatriates from the USA where remuneration packages are much better. The Far East (as evident in the chapter on Japan) too, due to accelerated growth, has forced up the salary structures to levels equivalent to those in the Middle East. Therefore, companies in the Middle East are looking for replacements in other parts of the World. Salary levels in Europe-particularly in the UK-remain lower than in the Middle East. Therefore despite the 'oil glut', the instability, and difficult conditions caused by continuous strife in the region, middle and senior management staff are still being recruited from the UK, where salaries are not only lower, but taxes higher. Saudi Arabia and the UAE continue to employ a number of expatriates and the salary levels are high enough to attract Indians.

Also linked to the lower wage level is the emergence of a new class of labour from other countries. Workers from Sri Lanka, Philippines and Bangladesh have become increasingly popular in the Gulf, but that does not mean that Indians are not preferred. Of course, one must not forget that an Indian is paid much less than his counterparts from other countries.

However, a word of advice: seriously weigh the pros and cons before taking up employment in any of the Middle Eastern countries. Work pressures are immense and remuneration packages are not as high as in some other areas of the world, such as North America and the Caribbean. The Far East with its free markets, lively nightlife, and international shopping offers a much better quality of life and far fewer restrictions, although salary levels are roughly the same.

Again, before completely rejecting any offer from the Middle East you must take into consideration that:

- Salaries are tax free.
- There could be a chance of subsequently migrating to the USA or Australia, or finding a job in the Far East, since working in the Middle East (in countries such as Saudi Arabia, UAE or Kuwait), would give you experience which is internationally recognized.
- Although Middle Eastern countries are facing economic problems, they remain very rich and can afford to pay extravagantly as compared to the rates prevalent in India.

All said and done, despite having taken measures to reduce the number of foreign workers, the Middle East still offers chances of economic betterment for the average Indian.

## The United Arab Emirates (UAE)

**T**he UAE is made up of seven parts, which are Abu Dhabi (the capital), Dubai (the commercial centre), Sharjah,

Ras al-Khaimah, Fujairah, Umm al Qawain and Ajman. It has a population of approximately 2.7 million, with a land area of 83,600 sq. km. Less than 50% of the people in the UAE are Arabs; there are over a million expatriate workers from the Indian sub-continent, and a large

number from Pakistan, Iran and South Asia. The official currency is the Dirham (US\$ 1 = 3.67 Dirhams).

### Dubai

Dubai is the capital of the state of Dubai, and is located in the north-eastern part of the UAE, with a population of more than 7,00,000. It is the second largest Emirate, after Abu Dhabi.

Known as the Venice of the Gulf, Dubai is the shopping mall of the world. It offers everything from a flourishing gold trade to state-of-the-art communications, from watches to clothes, from toys to computers. It has all the amenities of a western metropolis, minus the air pollution, traffic jams, poverty and high crime rates. Dubai is a leisure and entertainment haven with its beaches, sports clubs, amusement parks, museums, art galleries, hotels, restaurants, nightclubs and supermarkets.

The late 1990 turmoil in the economies of the Far East and Japan did not affect the economy of Dubai. Manufacturing and tourism make a large contribution to the economy, while trade remains its lifeblood. Dubai offers businessmen the most liberal and attractive operating conditions in the region. To the south of the city lies the Jebel Ali Free Zone which offers foreign investors zero taxation and relieves them of the necessity to take on a local partner; companies can maintain 100% control of their business, unlike the case elsewhere in Dubai. The Free Zone was established in 1985 and has proved to be immensely successful. A similar development is the newer Airport Free Zone and Business Village, offering business incentives such as 100% foreign ownership, no personal income tax, no corporate tax for 15 years (renewable for a further 15 years), the freedom to repatriate both capital and profits, exemption of import duties and the waiving of currency restrictions.

But the health of the economy must not lead you to believe that the average expatriate working in Dubai would be on a high salary. Except for highly skilled professionals, the salary levels for most jobs are on the decline, and this is primarily due to the willingness of overseas workers to accept jobs at very low wage rates. So the average labourer could earn as little as Dh 600 per month.

All in all, however, Dubai should be the most preferred destination in the UAE because of its excellent quality of life. The standard of living, schooling, roads, water and electrical supply, medical facilities, etc. are all comparable to those in the West.

### **Visas**

One of the easiest ways to enter the UAE is on a hotel-sponsored visa, either a 15-days transit visa or a 30-days visitor's visa. The former cannot be extended, while the latter can be extended for another 30 days by the sponsoring hotel.

You are first required to make a reservation at a hotel and request a visa. You must provide the hotel a copy of your passport and mention the purpose of your visit. Make sure the hotel faxes you a copy of the visa, or the airline may not allow you to board the flight.

Your visa will be deposited at the airport for you to collect upon arrival. Transit visas cost Dh 120 and visitor's visas Dh 60, but the normal hotel charge for the service is about Dh 180. If your passport shows any sign of travel to Israel, you will be denied entry to the UAE.

### **Foreign Workers**

Normally, on the expiry of an employment contract, workers have to leave the country for a minimum period of six months before they can be re-employed in the UAE. In the past, thousands of foreign workers were expelled for violations of labour laws, the 'official' reason being that most of them had overstayed their visas or lacked proper sponsorship — which only underscores the necessity of maintaining proper documentation while working in the Middle East. More recently a number of people have been sent back on health grounds after testing positive for the HIV virus.

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The UAE has certain visa rules, that drastically restricted the issuance of visas for families of expatriates from 1 September 1994. Under these rules, an expatriate seeking visas for his family should have monthly income of 4,000 dirhams, if accommodation is provided by the employer and at least 5,000 dirhams if not so. Those seeking visas for domestic ser-

vants should either earn a salary of at least 6,000 dirhams, besides paying the State Treasury a sum equivalent to the servant's annual salary, which should not be less than 4,800 dirhams. Businessmen will be allowed to bring in families or servants only if their share in a limited liability firm is not less than 70,000 dirhams.

### Addresses of UAE Embassy in India

- |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Embassy of the United Arab Emirates<br/>EP 12, Chandragupta Marg<br/>Chanakyapuri<br/>New Delhi-110021.<br/>Tel: (11) 4670830/0945; (11) 6872822<br/>Fax: (11) 6873272</li></ul> | <ul style="list-style-type: none"><li>• Consulate General of the United Arab Emirates<br/>Bungalow No. 7<br/>Jolly Maker Apartment No. 1<br/>Cuffe Parade, Colaba, Mumbai-400005.<br/>Tel: (22) 2183021 to 23<br/>Fax: (22) 2180986/1162</li></ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Saudi Arabia

**T**he country is officially called The Kingdom of Saudi Arabia. It has a land area of 23,31,000 sq. km with a population of about 17 million. Its capital is Riyadh. The official currency is the Riyal (US\$ 1 = 3.75 Riyals). The government is a monarchy headed by King Fahad Bin Abdul Aziz Al Saud. The country prohibits the practice of any religion except Islam, within its borders. Saudi Arabia has two-thirds of the world reserves of oil and natural gas.

### Visas

#### 1. Hajj Visa

This is issued to a Muslim to take part in the Hajj. The visa is gratis and you are permitted to stay till the 10th day of the Moharram month.

#### 2. Umrah Visa

This is issued to a Muslim wishing to visit the Holy Cities of Makkah and Madinah. The visa is gratis and is issued for a stay of 15 days.

#### 3. Visitor's Visa (Family Visit)

This requires an invitation from a sponsor in Saudi Arabia. You will be required to provide documentary evidence of your relationship with your sponsor, e.g. marriage certificate, birth certificate etc. The invitation will then be given a visa number. On the basis of this number, you can collect your visa from the appropriate Saudi embassy. Visas are normally for a duration of one month. A visa fee of Rs. 2,320 is charged.

#### 4. Business Visa

Documents required:

- Valid passport.,
- Completed application form.
- Visa fee of Rs. 2,320.
- Covering letter from your company stating nature of business and contact business addresses in Saudi Arabia
- Letter of recommendation from the Chamber of Commerce in India.

- Copy of the visa slip, which is arranged by your sponsor in Saudi Arabia.

The visa is issued for a stay of 15 days, extendable for two weeks.

### 5. Residence Visa

To live and work in Saudi Arabia, you will need to show:

- Evidence of your sponsor's occupation in Saudi Arabia.
- Your employment contact.
- Your qualifications.
- Medical reports (especially proof of being HIV negative).

You will then be given a visa number, so that you can collect your visa. On reaching Saudi Arabia, you will have to hand over your passport to your sponsor. You will then receive an igama, i.e. a residence permit. You should carry this on your person at all times. For you to leave the country, your sponsor has to obtain an exit/re-entry visa for you, and when you surrender your igama to him, you will get your passport back.

### 6. Family Residence Visa

This is applicable if you are joining family members living in Saudi Arabia. You will need to provide documentary evidence of your relationship with your sponsor. The visa is initially issued for a stay of 90 days and can be extended by your sponsor. A visa fee of Rs. 580 is charged.

#### Note

The Islamic calendar is followed in Saudi Arabia and the Islamic year is 11 days shorter than the Gregorian (western) one. So, if you are on a one month visa, and you follow the western calendar, then you might overstay your visa. This could land you in a lot of trouble with the authorities during your departure.

### Foreign Workers

Private companies, over the past few years, had considerably cut back on the number of foreign workers employed by them. Saudi Arabia deported lakhs of expatriates for alleged violation of labour regulations. The main reason for this was 'overstaying' their visas. A report also stated that King Fahad of Saudi Arabia had asked the state sector employers to cut the reliance on expatriates and recruit more Saudi nationals. In Bahrain too, the government had specified jobs like bank cashiers, postmen, clerks, and workers in shops, earlier allotted to expatriates to be reserved exclusively for its locals. Consequently, a chunk of Indians who had returned to the Gulf after the war had to make do with salaries up to 50 per cent lower.

A new rule was laid down by the Saudi Arabian government (following the December '92 riots in India, particularly Bombay). The rule states that at least half the personnel recruited for jobs in the country must be Muslims. (Although the rule did exist prior to the riots, it was not adhered to.) As a result, the Saudi Arabian Consulate drastically reduced the number of visas issued.

This rule sent shock waves amongst the Indians in Saudi Arabia and dimmed the hopes of non-Muslims trying to seek employment there. The government has, however, relaxed its visa rule to permit Indians to bring their families to live with them.

If you are a professional and possess high-level skills, then you stand a chance of working in Saudi Arabia as manpower requirements still exist in the service sector and emerging industries. In fact, there has been a definite increase in the demand for professionals as is evident in the large number of advertisements appearing in the Indian newspapers. There is a need for executives (sales, marketing, MBAs), doctors,

engineers, teachers, mechanical technicians, staff, chemists, computer operators and systems accountants, sales representatives, travel agency analysts.

#### Addresses of the Saudi Arabian Embassy in India

- |                                                                                                                                                                                         |                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Royal Embassy of Saudi Arabia<br/>D-12, NOSE Part II<br/>New Delhi - 110049.<br/>Tel: (11) 625247012471<br/>Fax: (11) 6251141/70032</li> </ul> | <ul style="list-style-type: none"> <li>• Royal Consulate General of Saudi Arabia<br/>Maker Tower 'F', 4th Floor<br/>Cuffe Parade, Mumbai — 400005.<br/>Tel: (22) 21815981776517725/2619<br/>Fax: (22) 2180193</li> </ul> |
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## Kuwait

**K**uwait is a country which is virtually floating on a sea of oil, which can be tapped well past the 21st century. It

has a land area of 17,818 km. The official currency is the Dinar (IKD = US\$ 3.30). Kuwait's population of 13.7 lakh enjoys one of the highest standards of living in the world. Goods and cultural influence from Europe and America are permeating Kuwait's markets, leaving behind deep impressions on the people's Islamic way of life. All major collaborations and contracts are with the US and other western powers. Kuwait keeps its surplus funds with the same countries and does much of its trade with them. Kuwait's economy is predominantly anchored in the oil industry. Oil began to be exploited in 1936 and since then the country has developed at a rapid pace. More than half of the country's GDP (Gross Domestic Product) comes from oil production and refining and the remaining part comes from trading, construction, real estate and service industries like banking and insurance.

Kuwait is a functional monarchy with democratic ideals and members of the al-Sabah family have traditionally ruled the country. The monarch (Amir) is seen as the symbol of national unity and wields immense power. The October 1992 elections to the assembly were held without the existence of political parties

and ministers were appointed from outside the elected body.

The small population is hardly sufficient to run a modern economy. That is why Kuwait needs to call in labour from outside and has a large expatriate population. In fact, the number of expatriates living in the country is roughly the same as its own population. The level of skill among the Kuwaitis is not high. Being a welfare state, it spends a lot of money in the development of human resources. Presently, Kuwait still has to depend on people from outside the country for technical skill and managerial resources. India is among the countries Kuwait banks upon in this area.

## Visas

### 1. Visitor's Visa

To obtain this, you require a letter from your sponsor in Kuwait. Most hotels too can arrange visas for their guests. Visas are normally issued for a period of one month. A visa fee of Rs. 1,300 is charged.

### 2. Work Permit/No Objection Certificate (NOC)

These are required if you wish to work in Kuwait, and should be obtained by your sponsor. The former is issued by the Ministry of Social

Affairs and Labour, and the latter by the Ministry of the Interior.

### 3. Residence Permit

This requires your sponsor to sign a form issued by the Ministry of the Interior. You will need to be fingerprinted and undergo a medical examination. All this has to be submitted with your work permit, NOC, a copy of your passport and at least four passport size photographs.

### 4. Civil ID

After obtaining a residence permit, you are required to register for a Civil ID card, which you should carry with you at all times.

A visa fee of Rs. 1800 is charged.

## Foreign Workers

Prior to the Iraqi invasion, there were about 1,70,000 Indians working and residing in the

country, the figure today is only increasing. For the large number of skilled and unskilled workers of India, employment in Kuwait is an attractive prospect. Not all Indians work in unskilled or semi-skilled capacities. There are a sizable number of professionals like engineers and doctors. The number of Indian businessmen in Kuwait is not small either.

According to the estimates made by the National Bank of Kuwait; 35% of Indians in Kuwait are female domestic workers, another 20% are unskilled workers like helpers and salesmen, another 10% are professionals like doctors, nurses, bankers and engineers, while the rest are clerical workers. 1,10,000 jobs have been made available to employed and unemployed Indians with scope for more. For instance, maids earn about 50 Kuwait Dinars (KD), unskilled workers earn about 100-110 KD, clerical staff earn about 125-150 KD and professionals earn about 250-1,000 KD.

### Addresses of Kuwait Embassy in India

- Embassy of the state of Kuwait 5-A, Shantipath  
Chanakyapuri  
New Delhi - 110021.  
Tel: (11) 4100791  
Fax: 0116873516

- Coosulate General for the state of Kuwa  
Vaswani Mansions, Ground Floor 120,  
Dinshaw Vachha Road Mumbai-  
400020.  
Tel: (22) 2855236/5266  
Fax: (22) 2048180/2873007

# 10

## CHAPTER

# SINGAPORE

**T**he country is officially known as the Republic of Singapore, with the city of Singapore as its capital. There is an interesting story behind Singapore's modern day name. During the 14th century, the visiting Prince Sri Vijayan spotted an animal he mistook for a lion, and thus gave the place a new name- 'Singha Pura' or 'Lion City'!

Singapore lies off the southernmost extremity of the Malay peninsula and comprises of a main island with more than 60 surrounding islets. It has a land area of about 640 sq. km. Over the years, Singapore has attracted thousands of migrants, and its population of 3 million is made up of 77.3% Chinese, 14.1% Malays, 7.3% Indians and 1.3% people of other descent. Singapore has four official languages, Malay, Mandarin, English and Tamil.

The government is strict to the point of being paternalistic. Littering is regarded as an offence and carries a fine, usually in excess of

S\$500. At the same time, however, the government is faster and more responsive than anything we are used to. Approvals are very fast in coming, especially where applications for doing business, making investments, etc., are concerned.

Today, Singapore is a thriving centre of commerce and industry. It is one of the world's major oil refining and distribution centres. It is also a prominent supplier of electronic components and is in the forefront in shipbuilding and repairing. Apart from being the busiest port in the world, Singapore boasts the world's best airport, the best airline and the best workforce. A modern metropolis with a dynamic economy, a high standard of living, ever-increasing career opportunities and a Garden-city living environment, make Singapore an ideal place to work and live in. And, yet, all this despite a density of population of almost 5,000 people per sq. km!

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## Visas

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Indians require a visa (or pass) to enter Singapore.

### Documents Required

- Valid passport.

- Onward or return tickets.
- Evidence of sufficient funds to stay in Singapore.
- The completed visa application form and the standard fee of Rs. 500. (The form cur-

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rently in use has been reproduced at the end of the chapter.)

### Social Visit Pass

This can be issued to:

- Spouse, unmarried children (below 21 years of age) and parents of Singapore citizens or permanent resident of Singapore.
- Parents and parents-in-law of Employment Pass holders.
- Mothers of Student Pass holders.
- Expectant mothers.
- Tourists, persons attending short business negotiations and discussions, and others.

There is no application fee for a visa of less than three-month duration. In addition to the earlier mentioned documents, you will be required to submit the following (where applicable):

- Proof of your relationship with your sponsor.
- Your sponsor's Singapore Identity Card/Entry permit.
- A letter from the employer of your sponsor who is an Employment Pass holder, undertaking responsibility for your stay, maintenance and repatriation.
- Your doctor's letter stating date of delivery and a letter from your Embassy or High Commission stating that your child will follow your nationality.

### Student Pass

You need a Student Pass if you plan to go to Singapore to study in any of the following:

- Government, government-aided and independent school or junior college, (a letter of

recommendation from the Ministry of Education in Singapore is required, and no application fee is charged);

- Private school/foreign system school, (a Security Deposit of S\$5,000 and a letter of acceptance from the educational institution in Singapore is required);
- Institution of higher learning/ government training institute, (a letter of acceptance from the educational institution in Singapore is required).

In all cases, you need to have a local sponsor who is either a Singapore citizen or a permanent resident of Singapore. For instance, my son Manav, is presently enrolled at the United World College of South-East Asia. We just took him to Singapore on a tourist visa, and all his formalities were completed by the school itself.

### Employment Pass

To work in Singapore, you require an employment pass or a work permit. To apply for one, you need a local sponsor which is usually the company that is employing you. Also, you need to be under 50 years of age. The pass is first issued for upto two years and can then be extended upto three years.

There are two different employment passes — Employment Pass P and Employment Pass Q.

#### Employment Pass P

It applies to those who hold professional/ tertiary qualifications and are seeking professional, administrative, executive or managerial jobs, or those who are entrepreneurs or investors. A P1 Pass is issued if your basic monthly income is more than \$7,000 you are issued a P2 Pass; if

your basic monthly salary is between \$3,500 - and \$7,000.

Your spouse and dependent children below 21 years may accompany you on Dependant's Passes. Your aged parents and parents-in-law may also accompany you on Long Term Social Visit Passes.

### Employment Pass Q

A Q1 Pass is issued if your basic monthly income is more than \$2,000 and you satisfy the

stipulated educational criterion. A Q2 Pass is issued on exceptional grounds only.

#### Note

Before you take up a job, it would be advisable for you to visit Singapore to explore your employment options. While you will not be able to work on a Social Visit Pass, but you can take the opportunity to attend job interviews and check out potential employers.

## Immigration

To become a permanent resident of Singapore, you need to obtain an entry permit and be sponsored either by a citizen or a permanent resident of Singapore. You can apply for permanent residence under two schemes:

### Scheme for Professional/Technical Personnel/Skilled Workers

Under this scheme, the applicant has to be working in Singapore on an Employment Pass, generally for a period of 4-5 years.

If you are a male applicant, your wife and unmarried children (below 21 years of age) can be included in the application. But if you are a female applicant, only your unmarried children (below 21 years of age) can be included. Your husband will have to independently apply for permanent residence on his own merits.

### Scheme for Entrepreneurs

If you are a foreign investor with substantial capital and a good entrepreneurial track record, you can apply for an entry permit under this scheme. You are required to deposit S\$1.5 million with the Government.

For further details, you can contact:

- Immigration Facilitation Unit  
Economic Development Board  
250 North Bridge Road #24-00  
Raffles City Tower  
Singapore 179101  
Tel: (65) 336 2288  
Fax: (65) 3396077

### Other Categories

You can also apply under the following other categories to become a permanent resident of Singapore.

#### 1. Spouse

You will need to provide documentary evidence of your relationship, e.g. your marriage certificate. Divorce/death certificates, pertaining to any previous marriage(s), must also be submitted.

#### 2. Child

Only dependent children, under 21 years of age, qualify under this category. Birth certificates need to be submitted.

**3. Aged Parent**

If you are an aged parent of a Singapore citizen, then you are eligible to apply.

**4. Hong Kong Resident**

Residents of Hong Kong- who satisfy certain guidelines can apply.

**Addresses of Singapore High Commission in India**

- |                                                                                                                                                                                                              |                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Singapore High Commission E-6,<br/>Chandragupta Marg<br/>Chankyapuri, New Delhi — 110021.<br/>Tel: (11) 6885659/6506/6877939<br/>Fax: (11) 6886798</li></ul>         | <ul style="list-style-type: none"><li>• Consulate of the Republic of Singapore<br/>7/1, Lord Sinha Road, 510 Lords<br/>Calcutta-700017.<br/>Tel: (33) 2424106<br/>Fax: (33) 242372</li></ul>            |
| <ul style="list-style-type: none"><li>• Consulate of the Republic of Singapore<br/>94 Shankar Bhawan<br/>230 Nariman Point, Mumbai — 400021.<br/>Tel: (22) 2043209/320513211<br/>Fax: (22) 2855812</li></ul> | <ul style="list-style-type: none"><li>• Consulate of the Republic of Singapore<br/>109, Habibullah Road<br/>Tata Nagar, Chennai-600034.<br/>Tel: (44) 827639313795/6637<br/>Fax: (44) 8257359</li></ul> |