



## Mark D. Harley

Partner

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Mark is an experienced immigration attorney. He has represented individuals and businesses in western Pennsylvania in all areas of immigration law for more than a decade.

A former Congressional aide whose focus was constituent service, Mark knows how to work with the U.S. Government to solve complex immigration issues.

### **Before Fox Rothschild**

Before joining the firm, Mark was a name partner at the boutique immigration law firm Schneck & Harley Immigration Law Group LLP. He previously was a law clerk for the late T. Modibo Ocran, Justice of the Supreme Court of Ghana and professor of law at the University of Akron, Ohio.

Prior to his legal career, Mark served as a constituent service representative for a member of Congress.

### **Beyond Fox Rothschild**

Mark currently serves as an adviser to the board of Lan Vwa, a nonprofit organization providing students in Haiti and Guatemala access to free education via cyber classrooms.

Active in community issues, Mark has trained pro bono lawyers to represent foreign nationals, volunteered to provide pro bono advice as part of the City of Pittsburgh's Citizenship Day efforts and served as a judge for high school mock trial competitions.

### **Honors & Awards**

- Named a Pennsylvania Super Lawyers Rising Star in Immigration Law (2012-2013)

### **Practice Areas**

- Immigration

### **Bar Admissions**

- Pennsylvania

### **Education**



- University of Akron School of Law (J.D., 2004)
- Geneva College (B.A., *magna cum laude*, 2001)

### Memberships

- Pennsylvania Bar Association
  - Vice Chair, Immigration Law Committee
- American Immigration Lawyers Association
  - Past Chairman, Treasurer and Secretary of the Pittsburgh Chapter
- Pennsylvania Bar Association
- Allegheny County Bar Association
  - Past Chairman, Immigration Practitioners Committee
  - Bar Leadership Initiative (2009)
- Beaver County Bar Association

### Board of Directors

- American Immigration Lawyers Association, Former Board of Governors Member

## Immigration FAQs

Below, is a list of Frequently Asked Questions (FAQs) on immigration issues. Despite the detailed information provided here, please be mindful that immigration matters are often complex and require experienced legal advice. The information on this webpage should not be construed as legal advice for your specific issue.

### **What is a green card? What is the difference between an immigrant petition and non-immigrant petition?**

An immigrant petition is a filing to obtain lawful permanent residency in the United States, whereas a non-immigrant petition is a filing to obtain temporary status in the United States (usually based upon employment).

A green card is a slang term for "lawful permanent resident" card. This card once obtained is proof of U.S. residency. There are several ways that one can obtain a green card, either through family, employment or other means.

### **Does marriage to a U.S. citizen automatically confer a green card on a foreign national?**

No. It may take from three months to two years to complete the green card process.

### **Why should I hire an immigration attorney?**

U.S. immigration law is complex. Having an immigration attorney can make the immigration process go more smoothly and give you peace of mind that you are correctly following all procedures. Evidence gathering and presentation often will have a significant impact on the case. By hiring an immigration attorney, you will have an adviser who is experienced in immigration law and who will personally handle your immigration case. We pride ourselves in providing experienced and affordable immigration legal representation and being your immigration partner.

### **What are the options for immigration if I would like to sponsor my spouse who is a foreign national?**

How the spouse can immigrate into the United States depends upon factors including (1) if the person is presently in the United States and can simply adjust status or abroad and requiring Consular Processing of the immigrant visa; (2) whether the petitioner is a Lawful Permanent Resident or U.S. Citizen; (3) the petitioner meets the income requirements for sponsorship. Contact an immigration attorney from to review all requirements.



**What are the options for immigration for my fiancé(e) living abroad?**

You can sponsor the individual for a Fiance(e) Visa Petition or you can marry them in that country or a third country and file a spousal petition. Each of these options has different impacts on the application to be filed, evidence to be compiled and when the person can enter the U.S. Contact an immigration attorney to formulate the best strategy for your unique circumstances.

**What are the options for immigration if I would like to sponsor a family member to come to the United States?**

The person may either come to the United States on a permanent basis or a temporary basis. How the family member can immigrate or visit the United States depends on your specific circumstances, which can be examined by an immigration attorney. Immigration for family members often depends upon whether the person is recognized as an immediate relative in which case a visa is available for the individual to immigrate to the U.S. Sometimes visa wait times for non-immediate relatives can be quite delayed (some for decades) and our Immigration Attorneys will be able to assist in formulating strategies around these wait times.

**When and how can I apply for U.S. Citizenship if I am a lawful permanent resident?**

Eligibility depends upon a number of factors. Generally, a person will have had to be a lawful permanent resident for 5 years in order to apply (or 3 years based upon marriage to a U.S. Citizen). Contact an immigration attorney to formulate the best strategy for your unique circumstances and to give you peace of mind that you are correctly following all procedures.

**Who qualifies for a Provisional Waiver under I-601A?**

Spouses of U.S. Citizens who have resided unlawfully in the United States for at least 180 days qualify. Undocumented individuals who have resided unlawfully in the United States for at least 180 days and who are: - the sons and daughters of U.S. Citizens; and the spouse and sons or daughters of lawful permanent residents.

**What alternatives, asylum or other, do I have, if I am afraid to return to my country of nationality?**

The United States is a country that truly believes in the words on the Statue of Liberty which say: "Give me your tired, your poor, your huddled masses yearning to breathe free." Asylum and Temporary Protected Status are two examples of relief that the United States provides. By consulting with an immigration attorney, you will have an adviser who is experienced in immigration law and will provide you an honest assessment of your eligibility for relief and who will personally handle your immigration case.

**I am the victim of abuse in the United States. Is there a visa that can protect me?**

If you are still in the abusive relationship, get out. There are a number of Domestic Violence shelters and agencies that can assist you. Under the provisions of the Violence Against Women Act (VAWA), the U.S. provides visas for men and women and their children who are the victims of an abusive relationship. By consulting with an immigration attorney, you will have an adviser who is experienced in immigration law and will provide you an honest assessment of your eligibility for relief and who will personally handle your immigration case.

**I am the victim of a crime in the United States but do not have status. Should I report the crime?**

Yes, as a person living in the United States you should report criminal activity to the appropriate authorities. Often by cooperating with the police you may become eligible for a visa based upon your victimization and cooperation. Contact an immigration attorney with to discuss eligibility.

**How do I employ a foreign worker? (H-1B vs H-2B vs TN)**

Whether you can employ a foreign worker depends upon the type of employment and the alien's status and qualifications. Please contact an immigration attorney to discuss your company's sponsorship of employment immigration visas for the temporary hiring of professional/skilled workers under the H-1B visa program and unskilled workers under the H-2B visa programs as well as TN visa program designated specifically for Canadian & Mexican workers.



**What is Premium Processing?**

Premium Processing is a special USCIS program that provides significantly faster processing in exchange for an additional processing fee. For an additional fee, USCIS guarantees action on your case within 15 calendar days on the following types of visa petitions or applications: H-1B, H-2B, H-3, O, P, Q-1, E-1, E-2, L and TN.

**Can my employee start working after I file my petition?**

You must wait for approval of the petition. Exclusion may apply in the special case if you are petitioning for an H-1B non-immigrant and the employee is already in the United States under H-1B classification.

**What do I need to do if I was told I need an immigration waiver?**

Waivers are often necessary due to Unlawful Presence or misrepresentation to the government. Often the government gives very short deadlines for the submission of the waiver, thus it is important to hire the right immigration attorney. The immigration attorneys at Fox Rothschild LLP have years of experience in the preparation of I-601, I-601A and I-212 Waivers. Please contact an attorney to discuss the waiver you need and your eligibility.

**What should I do if I have received a Notice to Appear (NTA) from Immigration and Customs Enforcement?**

You must attend all court hearings or risk an order of deportation. If you do not already have an attorney, you should contact a Partner Immigration Attorney with Schneck & Harley Immigration Law Group, LLP to determine what relief you may have available to you and to do a review of your documentation.

**How does my criminal charge or conviction affect my status?**

Criminal charges or convictions that may appear minor could have dire consequences on your status and you should contact an immigration attorney to discuss how this issue may affect your status.

**How can an Immigration Attorney help me if I would like to attend school in the United States?**

An immigration attorney cannot assist you with this process. You will need to work with the SEVIS approved school that you wish to attend.

**Where can I obtain information on visiting or immigrating to the United States?**

We recommend that you visit the Department of State website at [www.travel.state.gov](http://www.travel.state.gov) and/or the United States Citizenship and Immigration Services website at [www.uscis.gov](http://www.uscis.gov). Government websites end with .gov and those ending with .com are not legitimate government websites. Should you have more specific requests please contact our office.

**What is a 214(b) refusal and what does it mean?**

Applicants for visas (especially visitor visas) must show that they qualify for the visa. Section 214(b) presumes that every visitor visa applicant is an intending immigrant. To overcome this presumption an applicant must demonstrate that they have nonimmigrant intent.

**What is a 221(g) denial and what does it mean?**

A denial under this section of law is because the consular officer determined that the evidence submitted in support of the application was insufficient to demonstrate eligibility for the visa. If you have been denied for this reason, you should consult with one of our attorneys to determine your next course of action.

**What is necessary for a foreigner to enter the U.S. for medical treatment?**

Individuals seeking to enter the United States for medical treatment require visitor visas. Before applying you may wish to consult with an immigration lawyer.

**I am a Lawful Permanent Resident, am I allowed to vote?**

As a Permanent Resident you should be careful and should not register to vote or vote without first consulting an immigration lawyer. You can only vote in local and state elections that do not require proof of U.S. citizenship and the



consequences of unlawful voting could result in deportation (removal) proceedings. If you have registered to vote or voted and are not a United States Citizen, our experienced immigration lawyers can provide a consultation to determine your options.

**I want to set up a business with an individual who is not a U.S. Citizen or Lawful Permanent Resident. What should I do?**

The first step that you must determine is that person's immigration status. The next step is to consult with an immigration lawyer to determine if establishing the business can provide the person status or if there are any concerns for the business.

**Can my landlord require that I provide proof of my immigration status?**

No. The landlord should not ask about your immigration status since no state or federal law currently requires them to do so. All local ordinances requiring such action has been held up in court.

**I received a Request for Evidence (RFE) from the government. Can you help me to respond?**

It is important that you respond timely to the request with the desired information. The attorneys at Fox Rothschild LLP would be happy to set up a consultation with you to determine the course of action for the response.

**I received a Notice of Intent to Deny (NOID) my case from the government. What can I do?**

Many times the government improperly concludes that a case is deniable. Our experienced attorneys have successfully resolved cases in which the government intends to deny the case. While results may vary depending upon fact patterns and a case cannot always be resolved, a consultation with an attorney may turn up another avenue of relief.

**Am I eligible for a Driver's License?**

Pennsylvania publishes the requirements under [PUB 195NC, Fact Sheet: Identification and Legal Presence Requirements for Non-United States Citizens](#). Other states have similar publications.

**Does a noncitizen need a Social Security Number? How can a noncitizen obtain a Social Security Number and card?**

The Social Security Administration published a guide to [Social Security Numbers for Noncitizens](#) on its website or you may call SSA toll free at 1-800-325-0778 or 1-800-772-1213 (for the deaf or hard of hearing).