

Froman Law Firm

GetVisas[®] Immigration Update

Vol. 6, No. 2

A Newsletter for Clients

August 2005

Important Issues and New Developments in Immigration Law

Family Immigration Applications Now Go to National Benefits Center

Earlier this year, the Citizenship and Immigration Services (“CIS”) transferred all Family Immigration processing from the district offices to the National Benefit Center in order to speed processing and make it more uniform. The CIS goal of 90 days to process an adjustment of status case is approaching reality. This reduces the necessity of applying for travel documents or even employment authorization, which takes about 60 days to process now. Interviews will still be held at the district offices.

H Visa Update: Caps and More Caps!

With caps occurring for both H-1B (specialty workers) and H-2B (non-agricultural temporary workers) for the last two years, we should have expected it. By mid-August *all H-1B quotas for Fiscal Year 2006 were used up!* This means no more H-1B specialty occupation visas will be available for first-time, non-academic, bachelor-degree employees until October 1, 2006. Academic institutions, aliens with advanced degrees from a U.S. college or university, and those extending their H-1B status are exempt from the cap and can continue to apply. Some options using other visas may exist for certain groups of professionals. However, this unsatisfactory situation can only be remedied by the Congress raising the cap to a realistic level that reflects the needs of American

business. H-2B’s are now available in two semi-annual zones. This balances the pain but does not solve the overall cap problem. If this affects your business, your Congressional Representative and Senators need to hear from you!

The Department of Labor Unveils New Procedures for Permanent Labor Certifications

On March 28, 2005 the Department of Labor (“DOL”) started taking new Labor Certification applications through the Internet. The new “PERM” program promises to reduce processing times dramatically for labor certifications. However, there are still difficulties overcoming automatic rejections by the automated computer program. Meanwhile, all the previously filed labor certifications have been shipped to “Backlog Reduction Centers” in Texas and Pennsylvania. There is little information on when we may expect these to be processed. Re-filing under the new system may be possible but needs to be carefully considered to avoid unintended consequences.

Immigrant Visas Currently Unavailable for Professional, Skilled, and Unskilled Workers

Since July, immigrant visas have been “unavailable” for alien workers in the Third Preference category, which includes college graduates, skilled, and unskilled workers. Most of the cases in the Backlog Reduction Centers will

fall into this category. This situation may improve briefly with the new fiscal year but will need legislation for a long-term fix.

Immigration Reform Proposals Before Congress

As Congress reconvenes, it will consider several bills that could affect immigration procedures across the board. *The Secure America and Orderly Immigration Act*, (S. 1033, H.R. 2330), which the American Immigration Lawyers Association (AILA) supports, proposes several comprehensive reforms in our current immigration laws. It aims to enhance national security while addressing the current concerns of American businesses and families. Under this bill a new H-5B essential worker visa program would permit eligible undocumented aliens present in the U.S. to attain temporary nonimmigrant worker status in any position they may qualify for. This will provide employers a long-awaited alternative to the H-2B visa. It would also provide an avenue toward permanent residency for qualified workers and would raise immigrant quotas to reduce both family and business preference category backlogs. The *Civil Liberties Restoration Act* (H.R. 1502) proposes procedural changes in an effort to find a balance between the need for security and the interests of liberty. The *Uniting American Families Act/Permanent Partners Immigration Act*, (S. 1278, H.R. 3006), also supported by AILA, would provide a means of sponsoring “permanent partners.” The couple must be financially interdependent and unable to contract a legal marriage. On the other hand, AILA opposes S. 1438, a heavily enforcement-oriented reform proposal of Senators Kyl and Cornyn and H.R. 815, a bill that would prohibit U.S. financial institutions from accepting any types of identification issued by foreign governments except for passports. You can follow these and other bills by going to “<http://thomas.loc.gov>” and entering the bill number or “immigration” in the “search” box. Remember to express your views to your Congress members on important immigration legislation.

Have You Moved?

Remember to report address changes to the CIS on Form AR-11. The form can be downloaded from the USCIS website, which you can reach through the “Resources” page of our website, www.getvisas.com. Or you can call the National Benefits Center at 1-800 375-5283. If you have questions about the forms or procedures, contact me.

This Newsletter is prepared as a service to our clients. It is not intended as a substitute for professional advice in a given case. We welcome feedback concerning the Newsletter or suggestions for future topics to discuss. Please contact us with your specific questions. If you would like to receive this Newsletter by email when it is published, send a message to “visas@getvisas.com” requesting to be added to the Newsletter list.

DAVID FROMAN

Contact information:

FROMAN LAW FIRM

Immigration and Business Attorneys
9820 WILLOW CREEK ROAD, STE 275
SAN DIEGO, CALIFORNIA 92131
PHONE:(858) 547-1200
FAX:(858) 547-1231

Our Missouri office, *by appointment only*,
is located at:

3610 BUTTONWOOD DRIVE, SUITE 200
COLUMBIA, MISSOURI 65201
PHONE: (573) 886-8965
FAX: (573) 886-8901

EMAIL:dfroman@getvisas.com
WEBSITE: www.getvisas.com

GetVisas® is a registered service mark of the Froman Law Firm representing our Business and Immigration services.