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IMMIGRATION LAW ASSOCIATES, P.C.

Science Immigration Bulletin: Fall 2008

By the staff of Immigration Law Associates, P.C. sub-specializing in nonimmigrant and immigrant cases for individuals and employers in the sciences



Immigration Law Associates, P.C. is located in Skokie IL, just outside Chicago. Our firm includes scientifically knowledgeable professionals dedicated to cases on behalf of petitioners in the life and physical sciences, engineering and medicine. The firm has an excellent record of success in O-1 nonimmigrant cases on behalf of those with extraordinary ability in the sciences; and in EB-1A, EB-1B, and EB-2/NIW permanent residence cases.

Examples of recent successful efforts include a nonimmigrant (O-1) case on behalf of a bioinformatics researcher at a California startup; a National Interest Waiver (NIW) case filed by a microbiology researcher at Purdue University; an Outstanding Researcher case filed by Evanston Northwestern Healthcare Research Institute on behalf of an enzymologist on its staff; an NIW I -140 Approval for a Structural Engineer and an O-1, NIW Double Approval for a biochemist in a cap-exempt H-1B position.

If we may be of help to you in building a strong case for you or your organization, please **contact us**. Below you will find legal analyses from our staff and recent immigration news roundup that may be of interest to you.

Extraordinary Ability and National Interest Waiver: Similarities and Differences

By the Staff of Immigration Law Associates

Two common obstacles for Indian nationals seeking permanent residence in the U.S. are the need for an employer sponsor and the labor certification requirement. There are two distinct immigration classifications which allow an alien to self-sponsor and thereby avoid both.

[Full Report](#)

VA Hospital cannot Avoid H-1B LCA Obligations, Says DOL ARB

In this case, several doctors brought an administrative action against their prior employer, the Department of Veterans Affairs, Medical and Regional Office Center, Fargo, North Dakota (VMAC), claiming that the VAMC had retaliated against them by terminating their employment after they collaborated in a Department of Labor (DOL) investigation.

[Full article](#)

Judge rejects student visa injunction sought by H-1B opponents

A U.S. district court judge in New Jersey this week rejected an attempt by H-1B visa opponents to halt the Bush administration's extension of student visas from one year to 29 months -- a move it claimed would give students a better shot at getting an H-1B visa.

[Full article](#)

ICE Announces Increase in SEVP Fee

In a press release, Immigration and Customs Enforcement (ICE) announced that the final rule raising Student and Exchange Visitor Program (SEVP) fees was published in the Federal Register on 9/24/08. The release is followed by a fact sheet, which lists the fee changes.

[Full article](#)

October Visa Bulletin Released

The Department of State has released the October 2008 Visa Bulletin. The priority dates for China and India in the EB-2 category have retrogressed significantly for October. The date for China has retrogressed two years from the September Visa Bulletin, returning to the June priority date of 01APR04. For India, the date has retrogressed even further. With a retrogression of three years from September dates, the October priority date is 01APR03, rather than its June priority date of 01APR04.

The EB-3 category has once again become available; however, the retrogression among the categories in comparison to the June Visa Bulletin is significant. The Philippines and all-chargeability categories have moved back one year, China two years, India four months, while Mexico has stayed the same. The Other worker category is also available again, keeping its June priority dates. The DOS has stated that little if any forward movement of priority dates in the Employment categories will be seen until a CIS backlog of priority dates is determined.

In the family-based categories, the priority dates have either not moved forward at all, or just a few weeks forward. The F2A category for Mexico is once again available, but has retrogressed one year in comparison to the June Visa Bulletin. It is predicted that family-based categories will see little movement in the new fiscal year.

[Visa Bulletin](#)

US To Issue One Million Visas to Indians

An official at the U.S. consulate in Chennai has stated that the number of visas issued by the U.S. to Indians is expected to touch one million soon. The current number of visas issued is around 760,000 and it will go up to one million in a few years. The official has also said that there were about 83,000 Indian students in the U.S., the largest foreign student community.

[Full Article](#)

Canada Gaining Skilled Workers the U.S. is Losing

Many skilled workers are growing frustrated with the U.S. immigration system and applying to become permanent residence in Canada through a special program that fast-tracks applications from skilled immigrants in the United States. If qualified, candidates could be approved in less than a year. In the United States, that could take at least three years, and it's not a sure thing, because an employer must sponsor the worker. At a time when the immigration debate in the U.S. is tied to national security and tightening borders, Alberta, Canada is urging immigrants to cross over and come north. However, most immigrants aren't leaving willingly, and prefer to have an option to stay in the U.S.

[Full Article](#)

States Hire Foreign Teachers to Fill Shortage

School administrators throughout the U.S. are selecting from an abundance of skilled international teachers, mainly to fill vacancies in math, science, foreign languages and special education. As far back as five years ago, the National Education Association estimated that up to 10,000 foreigners already were teaching U.S. students in primary and secondary schools. The largest single sponsor of foreign teachers is Visiting International Faculty, which claims it has 1,500 teachers from more than 55 countries in districts in Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland and California.

[Full Article](#)

A Federal Official States the U.S. Must Focus On Education and Immigration

The president and CEO of the Federal Reserve Bank of Dallas stated that in order to help push the country through the current recession and better compete in the global economy, the eventual winner of the November presidential election has to deal with two key issues: education and immigration. Additionally he noted that 55 percent of engineering master's degrees awarded by Texas universities go to foreign citizens, while 75 percent of engineering doctorate degrees go to foreigners.

[Full Article](#)



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