

## IMMIGRATION LAW ASSOCIATES, P.C.

### Science Immigration Update/DV 2010 Lottery Deadline Reminder

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.

## **DV 2010 Green Card Lottery Deadline Is Noon EST December 1, 2008**

Are you currently stuck in an immigration backlog, or want to explore another option in obtaining a green card? Even if you are in the U.S. or have filed for an immigrant visa in another category it may be possible that you qualify to enter the DV 2010 Green Card Lottery. Contact us at [info@immig-chicago.com](mailto:info@immig-chicago.com) to discuss your case, or click on the link below for more information.

[DV 2010 Information](#)

## **INNOVATIVE STRATEGIES FOR SCIENTISTS IN ACHIEVING H-1B CAP EXEMPT STATUS**

As most employers who sponsor foreign nationals for H-1B status are aware, for the past three years it has been extremely difficult to file new H-1B cases (where the alien is not already in H-1B status) due to the unbelievably rapid rate at which the H-1B numerical cap of 65,000 visas (plus 20,000 for those with a US Master's Degree) has been depleted each April. Just as frustrating has been the fact that even after waiting a year to file (or re-file as the case may be) the new H-1B case, because the H-1B program each April 1st is being effectively administered as a lottery, both employer and alien alike live with the anxiety that their cases will not "be accepted" for processing. This article will describe some alternative options for the "for profit" employer who seeks to sponsor professional foreign nationals for H-1B status.

[Entire Article](#)

## **The NIW and the Post-doc: Recent Trends**

An appealing avenue to permanent residence for many postdocs is the EB-2 Advanced Degree Professional category, accompanied by a waiver of the labor certification requirement in the national interest, or "national interest waiver" (NIW). This waiver has the advantage of allowing self-sponsorship, and the eligibility requirements for an NIW may be met by a researcher still early in his or her career. But there are also disadvantages. Any retrogression in the EB-2 category will affect NIW cases. Further, although the criteria may be met by a postdoc, there is no guarantee, and there are indications adjudication in this category is becoming more stringent.

[Entire Article](#)

## **Widespread Problems, Fraud Found In H-1B Program**

An internal report by the U.S. Citizenship and Immigration Services (USCIS) examining the H-1B visa program has found evidence of forged documents and fake degrees, and even "shell" companies giving addresses of fake locations. The USCIS report indicates that serious violations of the H-1B program by employers are so common that one in five visas are affected by either fraud or "technical violations."

[Full article](#)

[Entire USCIS report](#)

## **U.S. Citizenship and Immigration Services Honor Scientist**

Dr. Abul Hussam, Professor and Director of the Center for Clean Water and Sustainable Technologies, at George Mason University in Fairfax, Virginia was awarded the Outstanding American By Choice from the USCIS. Born in Bangladesh, Professor Abul Hussam received his Ph.D. in Chemistry from the University of Pittsburgh. He completed his postdoctoral training from the University of Minnesota and Georgetown University. Professor Hussam joined George Mason University in 1985 where he is a Professor in the

Department of Chemistry and Biochemistry.

[Full Article](#)

### **President Bush Announces Visa Waiver for Seven Countries**

President Bush announced that the United States is rescinding visa requirements for citizens of six European countries and South Korea. Each of those countries allows U.S. citizens to visit without obtaining a visa.

[Full article](#)

### **USCIS increases period of stay for Trade-NAFTA professional workers from Canada and Mexico**

U.S. Citizenship and Immigration Services (USCIS) has increased the maximum period of time a Trade-NAFTA (TN) professional worker from Canada or Mexico may remain in the United States before seeking readmission or obtaining an extension of stay from one to three years, making it equal to the initial period of admission given to H-1B professional workers.

[USCIS Press Release](#)

### **Five Year Extension of the CONRAD 30 program (Passed by House and Senate, Signed by President Bush on October 8)**

On October 8, 2008, President Bush signed into law the 5-year extension of the Conrad 30 Program, addressing the needs of foreign-born doctors practicing medicine in the United States.

[Full article](#)

### **New York Towns Need Doctors, And the Doctors Need Visas**

Some doctors, residents at New York City hospitals, have come from abroad on visas, including the restrictive J-1 "exchange visa," which requires them to return home for two years once they finish their studies unless they can get a waiver to work in a medically underserved area.

[Full article](#)

### **Why Obama May Back An H-1B Increase Even In A Recession**

President-Elect Barack Obama has supported the H-1B visa program and wants to make changes to green cards that would help tech firms. Although there wasn't much said about this issue during the presidential campaign or in the debates between candidates, it still remains a possibility. An FAQ, explains how this may happen.

[Full Article](#)

### **December 2008 Visa Bulletin Released**

The Department of State (DOS) has released the December 2008 Visa Bulletin. The change for December is that the Certain Religious Worker Category has once again become available in anticipation of the publication of DHS regulations. The priority dates in the EB-2, EB-3 and Other Workers categories have not moved forward at all since the November 2008 Visa Bulletin Release. In the family-based categories, the

priority dates have seen little to no forward movement.

[December 2008 Visa Bulletin](#)

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