

IMMIGRATION LAW ASSOCIATES, P.C.

Science Immigration Bulletin: Summer 2008

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



This newsletter presents a roundup of immigration news, USCIS announcements and legal analyses of interest to personnel everywhere in the sciences. Please contact us if you have any questions, or wish to schedule a consultation regarding your situation.

UI researcher faces deportation back to Poland

A University of Idaho researcher who worked on bioterrorism defenses faces deportation to Poland after being denied residency by U.S. immigration officials.

[Full Report](#) [Read our analysis on this topic](#)

Judge, Bloggers Support OPT Extensions

A suit filed by the Immigration Reform Law Institute (IRLI) to block OPT extensions under the new STEM regulations has been dismissed by a U.S. district court judge in New Jersey. The lawsuit sought to have the court declare DHS regulations implemented last month unlawful. However, the judge ruled the IRLI had no standing to bring suit, as no plaintiff could show direct harm as a result of the law. Further, blog comment on the suit reported "By an overwhelming margin the comments on the government website support the DHS extension of the OPT period."

[Read our Article on the STEM Extensions](#)

Highly Skilled Canadian Worker Refused Re-Entry

A highly skilled Canadian telecommunications specialist who worked in Utah for more than a decade was

denied entry into the U.S., which exemplifies the increasing difficulties Canadians are facing at the American border. The worker was turned around at the border the first time to obtain a new waiver for a marijuana conviction he received over thirty years ago. The second time he was turned around was because a border guard said he was not qualified for his job, thus barring him from his home, U.S. born grandchildren and the only job he has known for over a decade.

[Entire Skilled Worker Story](#)

The Department of State (DOS) Issues Guidance on "Scientific Technician/Technologist"

The American Immigration Lawyers Association (AILA) has released the text of an e-mail sent by the State Department (DOS) to posts regarding qualification as a "Scientific Technician/Technologist" under NAFTA:

"In order for an occupation to qualify as a "Scientific Technician/Technologist" under NAFTA Appendix 1603.D.1, the position must involve the use of principles of science, research and development, and/or scientific observations and calculations. (This is from the DOL job description.) The position must be in direct support of a professional in one of the sciences. The position must primarily include activity consistent with the support of a science professional. (This is from NAFTA Appendix 1603.D.1, footnote 5.) The technician who assists the engineer in the lab to design and develop a new technology may qualify as a scientific technician, but the mechanic who repairs and maintains that same technology after it's built and used in everyday life, is not a scientific technician."

After A Long Battle, Professor Receives Citizenship

Mohammed Reza Ghaffarpour, a UIC Professor and Iranian national, passed his English and U.S. history exam in 2003, as well as received a letter saying he was being recommended for approval. However, with increasing concerns over terrorism he simply fit the wrong profile, and endured a long legal battle to obtain his citizenship. After several inquiries to the USCIS came back with the response that a background check was pending, the professor finally sued in 2006, and received his citizenship within the last week.

[Entire Chicago Tribune News Article](#)

Two Year Employment Authorization Documents (EADS) Approved

In his State of Immigration Address, Homeland Security Secretary Michael Chertoff announced that the USCIS would soon be issuing two year EADS for those whose adjustment of status application is expected to pend for more than a year. Chertoff stated:

"I'm also pleased to announce that we will be extending the validity period of the employment authorization documents that we issue to individuals who are waiting adjustment of status to lawful permit residence or in colloquial phrase, the green card. Currently, adjustment applications are granted employment authorization documents with only a one year maximum validity. Beginning later this month, we'll start issuing these documents with a two-year validity period for aliens who are waiting adjustment of status if their application is expected to be pending for more than a year. This, again, is eliminating a persistent source of frustration for workers who are here, who have a pending adjustment application but have to go and renew their employment documents every single year."

Entire State of Immigration Remarks

[Entire Chicago Tribune News Article](#)

USCIS Offers Premium Processing for Certain Form I-140 Petitions

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that on June 16, 2008,

it will begin accepting Premium Processing Service requests for Forms I-140 (Immigrant Petition for Alien Worker) filed on behalf of certain alien workers who are nearing the end of their sixth year in H-1B nonimmigrant status. USCIS is limiting Premium Processing Service for Form I-140 petitions that are filed on behalf of aliens:

- Whose sixth year will end within 60 days;
- Who are only eligible for a further extension of H-1B nonimmigrant status under section 104(c) of the American Competitiveness in the Twenty-first Century Act of 2000 (AC21); and
- Who are ineligible to extend their H-1B status under section 106(a) of AC21.

[Read the USCIS Announcement](#)

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. Recent successes include an 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; and an Outstanding Researcher case filed by Evanston Northwestern Healthcare Research Institute on behalf of an enzymologist on its staff. If we may be of help to you in building a strong case for you or your organization, please contact us.



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