

IMMIGRATION LAW ASSOCIATES, P.C.

Science Immigration Bulletin: Winter 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.

Now Is The Time To Prepare For H-1B FY2010 Filing!

H-1B visas will again become available on April 1, 2009 for an October 1, 2009 start date. However, over

the past few years, the number of cases filed has consistently exceeded the available H-1B cap numbers and eligible cases are determined by a random lottery selection.

Immigration Law Associates, P.C. can help you minimize the possibility of getting caught in the cap. We have over eighteen years' experience handling a broad range of immigration cases, with a strong, well-established H-1B practice. In our experience with H-1B visas, preparedness makes all the difference. There are many steps we can take before April 1 to ensure your petition is ready to file on April 1.

These include:

- Working with the beneficiary of an H-1B petition to secure basic immigration documentation such as passport, I-94, professional credentials, etc.
- Determining what other documentation the beneficiary must have; for example an education or work experience evaluation, and preparing or securing these materials.
- Securing information and documentation from you, the employer, including financial information and a detailed job description.
- Drafting a memo in support of the petition, outlining how the position offered and the beneficiary of the H-1B petition meet the statutory requirements.

Completing these steps can take a month or more. As the cap cut-off is likely to occur shortly after H-1Bs become available, we advise our clients not to incur a significant delay in filing by waiting until April 1 to begin the process.

To discuss how we can be of help to you in expediting your H-1B filing process, please call our office at (847) 763-8500 or e-mail info@immig-chicago.com.

Extending H-1B Status Beyond Six Years As it Relates to Timely Filing for Permanent Residence

Immigration Law Associates, P.C receives many inquiries from foreign nationals in H-1B status regarding the best route to permanent residence. A most important point in this regard is that H-1B nonimmigrants must timely file their permanent residence documents, or lose the substantial advantages of the H-1B category: dual-intent and year-by-year extension past the maximum 6-year stay.

[Entire Article](#)

Even With The Economy, It's Time To Talk H-1Bs

With U.S. workers all over this country losing their jobs, many think that it is the worst time for any political leader to urge a rethinking of our H-1B policy and to lift the 65,000 annual limits on foreign guest workers in specialty occupations. Maintaining the status quo on H-1B is the best news that any would-be economic superpower could ever want to hear because the reverse brain drain returns smart people with advanced degrees to their countries of origin. This is the next generation of superstar engineers and entrepreneurs, who clearly will leave their mark. Most hope that it is time for long-term thinking.

[Entire Immigration News Article](#)

USCIS Issues Reminder of Advance Parole Requirement for Holiday Travel

The USCIS Office of Community Relations issued a reminder that certain individuals must obtain Advance

Parole before traveling abroad for the holidays. Advance Parole is permission to re-enter the United States after traveling abroad in order to continue processing for adjustment of status or other benefits. Individuals must be approved for Advance Parole before leaving the United States.

[Full Announcement](#)

REMINDER: The Electronic System for Travel Authorization Goes Into Effect January 12, 2009

Beginning January 12, 2009, all nationals of Visa Waiver Program (VWP) countries will be required by law to obtain travel authorization prior to initiating travel to the United States under the VWP. This authorization may be obtained online through ESTA, a free Internet application administered by the Department of Homeland Security (DHS) through a U.S. government Web site. ESTA is a fully automated electronic system for screening passengers before they begin travel to the United States under the VWP. ESTA applications may be submitted at any time prior to travel to the United States, and VWP travelers are encouraged to apply for authorization as soon as they begin to plan a trip to the United States. The government does warn that third-parties have created unauthorized websites to offer submission of the application for a fee. They also warn that these sites are not in anyway affiliated with the ESTA program.

[ESTA Website](#)

Enhanced Driver's License and Identity Documents Issued by the State of New York Accepted as Travel Documents

The Secretary of Homeland Security has designated enhanced driver's licenses and identity documents (EDLs) issued by the State of New York as acceptable documents to denote identity and citizenship for purposes of entering the United States at land and sea ports of entry. U.S. citizens with these EDLs will be permitted to present them as acceptable documents under the Western Hemisphere Travel Initiative (WHTI) when entering the United States at land and sea ports of entry.

[Federal Register](#)

Experts Expect Napolitano To Focus On Immigration at DHS

President-elect Barack Obama's choice to head the Department of Homeland Security is expected to make big changes to immigration policies. Barack Obama nominated Arizona Governor Janet Napolitano for the Cabinet post. Immigration would be one of Napolitano's top priorities at DHS, and sources who know her say it's also one of her areas of expertise.

[Full article](#)

Federal Court Rules Bush Administration Must Justify Scholar's Visa Denial

A federal court today ruled that it has the power to review whether the Bush administration has a valid reason for denying a visa to respected South African scholar Adam Habib. The lawsuit was brought by the American Civil Liberties Union and ACLU of Massachusetts challenging the State Department's refusal to grant Professor Habib a visa based on unsubstantiated national security claims. Habib remains banned from the country and unable to attend speaking engagements in the United States. The judge ruled that the First Amendment requires the government to provide a valid, substantiated reason for excluding a scholar invited to speak to U.S. audiences.

[Full article](#)

CIS Ombudsman Recommendation on Schedule A Nurses

The CIS Ombudsman has released his recommendation on Schedule A Nurses. In his recommendation he states that the nursing shortage in the United States is becoming increasingly problematic and may adversely affect the health care industry. In meetings with nursing organizations and stakeholders, the Citizenship and Immigration Services (CIS) Ombudsman heard concerns about the time it takes for a foreign nurse to be admitted to the United States to work. Visa availability continues to be the principal obstacle for many immigrants and non-immigrants seeking employment in the United States, and the number of visas available can only be addressed through legislation, but federal agencies can implement changes to facilitate the processing of immigration applications.

[Full Article](#)

January 2009 Visa Bulletin Released

The Department of State (DOS) has released the January 2009 Visa Bulletin. With the release of the bulletin, little forward movement was seen in both the employment-based and family-based categories. The EB-2 category while current for all categories but China and India, moved ahead one month to 08JUL04, and 01JUL03 respectively. The EB-3 category for all chargeability areas, India and the Philippines saw no forward movement, while China saw a movement of four months and Mexico a movement of two months in this category. The new date for China is 01JUN02, while for Mexico it is 15NOV02. The other workers category moved forward two months across the board to 15MAR03. With respect to the family categories, most moved forward about two to four weeks, with the exception of the 2B and 3rd categories which saw no movement at all.

[January 2009 Visa Bulletin](#)

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