



**News from the Alliance of Business Immigration Lawyers
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Details...

1. USCIS Begins Accepting H-1B Petitions

As of April 1, 2011, U.S. Citizenship and Immigration Services (USCIS) has begun accepting H-1B petitions subject to the fiscal year (FY) 2012 cap of 65,000. Cases will be considered accepted on the date USCIS receives a properly filed petition for which the correct fee has been submitted, not the date that the petition is postmarked.

USCIS will monitor the number of H-1B petitions received and will announce when the H-1B cap has been met. If USCIS receives more petitions than it can accept, it may on the date the cap is met (the "final receipt date") randomly select the number of petitions that will be considered for final inclusion within the cap. USCIS will reject petitions that are subject to the cap and are not selected, as well as petitions received after it has the necessary number of petitions needed to meet the cap.

The first 20,000 H-1B petitions filed on behalf of individuals with U.S. master's degrees or higher are exempt from the cap. Certain other petitions also are exempt from the congressionally mandated cap. Exempt petitions include those for which the beneficiaries will work at:

- institutions of higher education or related or affiliated nonprofit entities;
- nonprofit research organizations; or
- governmental research organizations.

Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Marianas Islands are exempt from the cap until December 31, 2014. Employers may continue to file petitions for these cap-exempt H-1B categories for beneficiaries who will start work during FYs 2011 or 2012.

Petitions filed on behalf of current H-1B workers who have been counted previously against the cap do not count toward the H-1B cap. USCIS will continue to process petitions filed to:

- extend the amount of time a current H-1B worker may remain in the United States;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; and
- allow current H-1B workers to work concurrently in a second H-1B position.

In the last few years the H-1B cap has not been reached for several months. It will be interesting to see when the cap is reached this year, given the improving economy.

The notice is available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=31f803aea7ace210VgnVCM100000082ca60aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>.

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2. USCIS Launches E-Verify Self Check

U.S. Citizenship and Immigration Services (USCIS) launched "E-Verify Self Check" on March 21, 2011. The voluntary service enables individuals to check their own employment eligibility status at no charge. USCIS is releasing E-Verify Self Check in phases, with the first phase accessible only to users who maintain an address and are physically located in Arizona, Idaho, Colorado, Mississippi, Virginia, or the District of Columbia.

For more on E-Verify Self Check, including a link to the system, see <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=2ec07cd67450d210VgnVCM100000082ca60aRCRD&vgnnextchannel=2ec07cd67450d210VgnVCM100000082ca60aRCRD>. A related blog and video are available at

<http://blog.uscis.gov/2011/03/introducing-e-verify-self-check-online.html>.

A transcript of the press conference on this topic is available at

http://www.uscis.gov/USCIS/News/Transcript_SelfCheckSecrtry.pdf. A fact sheet is available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=9feb59984b9de210VgnVCM100000082ca60aRCRD&vgnnextchannel=8a2791daff2df110VgnVCM1000004718190aRCRD>.

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3. New Validation Instrument for Business Enterprises Giving Off Bad VIBE

U.S. Citizenship and Immigration Services (USCIS) has begun "beta-testing" the Validation Instrument for Business Enterprises (VIBE) System, which is run by Dun & Bradstreet. VIBE allows USCIS to receive commercially available information about companies or organizations filing certain employment-based petitions. If the U.S. business entity's information on the petition is inconsistent with what is in VIBE, USCIS issues a request for evidence (RFE).

Some attorneys have reported that the VIBE system, which is based on publicly available information, too often contains inaccuracies, is unreliable, and requires a significant effort to update.

VIBE allows USCIS to electronically receive commercially available information about a petitioning company or organization, including:

- Business activities, such as type of business (North American Industry Classification System code), trade payment information and status (active or inactive)
- Financial standing, including sales volume and credit standing
- Number of employees, including on site and globally
- Relationships with other entities, including foreign affiliates
- Status; for example, whether it is a single entity, branch, subsidiary, or headquarters
- Ownership and legal status, such as LLC, partnership, or corporation
- Company executives
- Date of establishment as a business entity
- Current physical address

A USCIS officer reviews all information received through VIBE along with the evidence submitted by the petitioner. Adjudicators use information from VIBE to verify the petitioner's qualifications. For example, if a petitioner seeks L-1 status for a beneficiary, VIBE will help adjudicators confirm that the petitioner has a foreign affiliate, a requirement for granting L-1 status. In cases where petitioners must establish ability to pay, information from VIBE will assist in confirming the petitioner's financial viability.

USCIS said it will not deny a petition based upon information from VIBE without first giving a petitioner "the opportunity to respond to USCIS's concerns." USCIS will issue an RFE or a Notice of Intent to Deny (NOID) "if it is necessary to resolve relevant inconsistencies or other issues that emerge upon review of information supplied by VIBE that are material to the benefit requested." The Immigration Services Officer (ISO) will make a final decision "based on the totality of the circumstances," the agency said.

Immigrant Classifications Included in VIBE

The following I-140 employment-based immigrant classifications are included in VIBE:

- E12 Outstanding professor or researcher
- E13 Multinational executive or manager
- E21 Member of professions holding an advanced degree or an alien of exceptional ability (with the exception of National Interest Waiver petitions)
- E31 Skilled Worker
- E32 Professional
- EW3 Unskilled/Other Worker

Additionally, the following I-360 employment-based immigrant classifications are included in VIBE:

- SD1 Minister of Religion
- SR1 Non-minister in a religious occupation or vocation

Nonimmigrant Classifications Included in VIBE

The following I-129 employment-based nonimmigrant classifications are also included in VIBE:

- E-1 Treaty Trader
- E-2 Treaty Investor
- E-3 Member of specialty occupation who is a national of the Commonwealth of Australia
- H-1B Specialty occupation worker

- H-1B1 Specialty occupation worker from Chile or Singapore
- H-1B2 Worker performing services related to a Department of Defense (DOD) cooperative research and development project or co-production project
- H-1B3 Fashion model of distinguished merit and ability
- H-2A Temporary or seasonal agricultural worker
- H-2B Temporary non-agricultural worker
- H-3 Trainee or special education exchange visitor
- L-1A Intracompany transferee in a managerial or executive position
- L-1B Intracompany transferee in a position utilizing specialized knowledge
- LZ Blanket L petition
- Q-1 International cultural exchange visitor
- R-1 Religious worker
- TN North American Free Trade Agreement (NAFTA) professional from Canada or Mexico

Classifications Not Included in VIBE

The following employment-based classifications are not included in VIBE currently "due to the very unique eligibility requirements for these classifications":

- E11 Individuals of extraordinary ability
- E21 National interest waiver
- EB-5 Immigrant investor
- O Individuals with extraordinary ability or achievement (including essential support personnel)
- P Internationally recognized athletes and entertainment groups, performers under a reciprocal exchange program, and

artists or entertainers under a culturally unique program
(including essential support personnel)

The Alliance of Business Immigration Lawyers recommends that clients check their profile and make sure that the major areas (company address for example) are correct to avoid RFEs in the future. Contact your ABIL attorney for guidance.

USCIS said it encourages petitioners to bring to the agency's attention any questions related to RFEs or NOIDs involving information USCIS received through VIBE, as well as suggestions for improving the program, by e-mailing VIBE-Feedback@dhs.gov.

For more on VIBE, see

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=521d735652f9d210VgnVCM100000082ca60aRCRD&vgnnextchannel=521d735652f9d210VgnVCM100000082ca60aRCRD>.

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4. USCIS Updates I-129 Instructions Re TARP

Employers who received funds through the Troubled Asset Relief Program or under section 13 of the Federal Reserve Act ("covered funding") are no longer required to answer Question 1d in Part A of the H-1B Data Collection and Filing Fee Exemption Supplement. The Employ American Workers Act (EAWA) had mandated additional requirements on H-1B petitioners who received covered funding. These requirements ended on February 16, 2011. The additional requirements under EAWA no longer apply to any H-1B petition requesting an employment start date of February 17, 2011, or later.

The updated Form I-129, Petition for a Nonimmigrant Worker, is available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=f56e4154d7b3d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>.

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5. ICE Announces Prison Term for Employing Undocumented Workers

A Missouri woman was sentenced on March 22, 2011, to a year in prison for transporting, harboring, and hiring undocumented workers at the Chinese

restaurant she managed. The sentence resulted from a worksite enforcement investigation conducted by U.S. Immigration and Customs Enforcement (ICE).

ICE reported that Hua Huang was sentenced in the Eastern District of Missouri "on two counts each of harboring, transporting, and employing illegal aliens, and one count each of structuring a financial transaction and conspiring to commit visa fraud." She pleaded guilty to the charges in December. Upon release from prison, Huang will also serve two years of supervised release with a six-month term of home confinement.

The investigation, which was initiated by the Poplar Bluff, Missouri, Police Department, began in February 2009. ICE joined the investigation in October 2009. The investigation revealed that between January 2009 and August 2010, Huang was manager of the China Buffet/Mongolian Grill in Poplar Bluff. During that time she regularly employed a number of undocumented workers from Mexico and China. The employees typically worked 12-hour shifts, six days a week, and were paid in cash amounts far less than minimum wage. Waiters and waitresses were typically paid in tips only. State and federal taxes were not withheld. Cash sales for the restaurant routinely went unreported.

As a result of surveillance conducted by ICE agents and Poplar Bluff police officers, authorities determined that the workers were being housed or "boarded" in two residences owned by individuals and entities connected to the China Buffet/Mongolian Grill. Authorities observed that the workers were shuttled to and from work daily in a van operated by Ms. Huang or other employees of the business.

On August 4, 2010, federal search warrants were executed at several residences and the China Buffet/Mongolian Grill. During the execution of the search warrants, agents seized a 2008 Highlander sport utility vehicle, a 2005 Chevrolet passenger van, and \$34,000 in cash. The van was being operated by Ms. Huang to transport the workers to the China Buffet. As part of the prosecution, the vehicles, cash, and four separate pieces of real estate were ordered forfeited, with a total value of more than \$350,000.

In her guilty plea, Ms. Huang also admitted to structuring financial transactions to prevent a local bank from reporting those transactions.

The ICE announcement is available at <http://www.ice.gov/news/releases/1103/110322stlouis.htm>.

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6. DOL Issues Proposed Rule on H-2B Temporary Nonagricultural Employment

The Department of Labor's (DOL) Employment and Training Administration and Wage and Hour Division have proposed a rule to revise and solicit comments on the process by which employers obtain temporary labor certifications from the DOL for use in petitioning the Department of Homeland Security (DHS) to employ nonimmigrant workers in H-2B status. The DOL also proposes "to create new regulations to provide for increased worker protections for both U.S. and foreign workers and enhanced enforcement under the H-2B program."

Among other things, the DOL is revisiting the use of attestations. The DOL said it is interested in receiving comments on the alternative of maintaining the current or some modification of the current attestation-based program design. Specifically, the DOL seeks comments on whether it should develop certain attestations that can be required of all employers (such as an attestation for certain kinds of recruitment), or for only certain program compliance requirements. The DOL proposes to bifurcate the current application process into a registration phase that addresses the employer's temporary need and an application phase that addresses the labor market test.

The rule also proposes substantive changes to several terms; for example, clarifying what non-agricultural employment is and adding a definition of "area of substantial employment" to the H-2B program. The rule also proposes to amend the definition of "full time" in the H-2B program to mean 35 or more hours per week, instead of the current 30. The DOL said it welcomes comments regarding whether extending the definition of a full-time workweek to at least 40 hours for the H-2B program would better protect U.S. workers and whether it conforms better to employer standards and needs.

Comments may be submitted to the office named in the proposed rule by May 17, 2011. The proposed rule, which was published on March 18, 2011, is available at <http://edocket.access.gpo.gov/2011/pdf/2011-6152.pdf>.

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7. DHS Issues Interim Final Rule on Guam-Northern Marianas VWP

The Department of Homeland Security (DHS) issued an interim final rule on March 23, 2011, that clarifies the countries and geographic areas eligible for participation in the Guam-Commonwealth of the Northern Mariana Islands (CNMI) Visa Waiver Program.

The rule notes that effective May 23, 2011, individuals holding British National (Overseas) (BN(O)) passports as a result of their connection to the Hong Kong Special Administrative Region are eligible for participation in the Guam-CNMI Visa Waiver Program. The program allows certain nonimmigrant aliens to enter Guam and/or the CNMI as nonimmigrant visitors for business or pleasure without a visa for a period of authorized stay up to 45 days. This interim final rule provides that individuals holding BN(O) passports as a result of their connection to Hong Kong and traveling to Guam and/or the CNMI under the program on such BN(O) passport must present it and a Hong Kong identification card.

Comments may be sent by May 23 to the person named in the interim final rule, which is available at <http://edocket.access.gpo.gov/2011/pdf/2011-6555.pdf>.

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8. USCIS Publishes Prevailing Wage Rates for H-2B Construction Workers on Guam

U.S. Citizenship and Immigration Services (USCIS) seeks comments on the system that the Governor of Guam is using to determine prevailing wage rates for construction occupations on Guam. In addition, USCIS has posted the most recent prevailing wage rates that have been proposed by the Governor of Guam. Based on its own analysis and input from the public, USCIS will determine whether the prevailing wage rates suggested by the Governor of Guam are reasonable and whether USCIS should require a new system to be used by the Governor of Guam in determining the prevailing wage rates.

Comments are due by April 18, 2011, to the office named in the notice, which is available at <http://edocket.access.gpo.gov/2011/pdf/2011-6208.pdf>.

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9. ABIL Global: United Kingdom Update

Less migration: The UK government proposes various measures to reduce immigration and save public funds.

On February 16, 2011, the UK Border Agency (UKBA) released a Statement of Intent (SOI) detailing proposals to change the eligibility criteria for the Points-Based System (PBS) Tier 2 migrants and the operation of permanent limits on certain Tier 2 applications. The UKBA also proposed changing the

criteria for indefinite leave to remain (ILR) for Tiers 1 and 2 and work permit holders were made. These changes will take effect on April 6, 2011, including the final closure of the Tier 1 (General) category. Increases in application fees have also been proposed due to the need to cut public spending.

The Coalition Government's overarching aim for UK immigration is to reduce net migration by "selecting the best and brightest." To help achieve this, UKBA proposes to raise the qualifying thresholds for the Tier 2 category and cap the number of Tier 2 (General) migrants to an annual limit. Moreover, restrictions will extend to the requirements for settlement in the UK to implement the government's "less automatic settlement" agenda.

UKBA is expected to publish the new Rules and formal guidance shortly.

Proposals for Tier 1 (Highly Skilled)

The final closure of Tier 1 (General) on April 6, 2011, will deal a huge blow to both employers and individuals. After the dubious operational assessment of the category in October 2010, which purported to find that 29% of Tier 1 migrants were in unskilled jobs (the report was based on solely Tier 1 dependents who had been in the UK for six months), UKBA believed it had justification to delete the entire highly skilled migrant category. At least there will be transitional provisions in place for those who will be submitting eleventh-hour Tier 1 (General) applications by post, so that their applications will be assessed in accordance with the Rules in place on the date of application (the date the application is posted).

Under the transitional arrangements, migrants who are not already in Tier 1 (General) or its predecessor category under the highly skilled migrant program will not be permitted to switch into this category beginning on April 6, 2011. The Tier 1 (General) route will remain open to allow those with existing leave to enter or remain under Tier 1 (General) or its predecessor to extend their leave. However, the points threshold for extensions will be raised to 100 points for those who required 100 points when first granted leave.

It is feared by immigration practitioners that the Tier 1 (post study work) category may survive the changes only to be phased out after the new rules are implemented. Generous transitional provisions are anticipated, if this were to be the case.

On a positive note, there are proposals for those recognized as possessing "exceptional talent" from different sectors to be certified as "exceptionally talented." It will be decided that a migrant meets the "exceptionally

talented" criteria by entities who have been delegated the power to certify migrants. The UKBA has yet to set definitive criteria on what will amount to "exceptional talent." Unsurprisingly, a Nobel prize winner will be viewed as such. The proposals need to be built upon and it is still unclear how the capped allocation of 1,000 migrants for each sector will be managed, let alone how UKBA will deal with an undoubted oversubscription to the category.

Proposals for reform of the Tier 1 Entrepreneur and Investor categories have not yet been published but future (skilled) changes are expected to be nominal.

Proposals for Tier 2

As the main category for sponsored skilled workers, Tier 2 requires a Certificate of Sponsorship (COS) from the migrant's licensed sponsor. These will be divided into "Restricted" and "Unrestricted" COS.

Starting April 6, the Restricted COS will be capped at an annual limit of 20,700 - 4,200 of which will be available for the first month and 1,500 available thereafter. It is proposed that if a monthly limit is undersubscribed, the balance will be added to the allocation for the following month. If the monthly limit is oversubscribed, applications will be prioritized based on a new points table. Much like the old work permit scheme, which ironically the PBS was supposed to displace, sponsors will need to apply to the monthly panel for a Restricted COS each time they wish to sponsor a migrant under Tier 2 (General).

This points system will prioritize occupations on the new shortage occupation list followed by occupations at the Ph.D. level and then occupations meeting the resident labour market test (RLMT). Points will also be awarded for salaries ranging from £20,000-£20,999 with further points for salaries of £100,000 to £149,000. Persons in occupations with salaries of less than £20,000 will be unable to meet the minimum points required.

Unrestricted COS are only available for the Tier 2 categories unaffected by the limit. These fortunate few include intracompany transfers, Tier 2 migrants extending with their original employer or switching to a new employer, migrants switching into Tier 2 (General) from a permitted category, applications under transitional arrangements for existing Tier 2 and work permit holders, positions with a salary over £150,000, and Tier 2 sports people or ministers of religion.

Sponsors will be given an initial annual allocation of Unrestricted COS based on UKBA's consideration of their allocation requests. These surprisingly

generous provisions should enable sponsors to continue employing migrants who are extending their leave with their original employer; switching into Tier 2 (General); or are intracompany transfer migrants, without the need for a salary assessment (as there is for Restricted COS). The consequence will no doubt be a rush of annual allocation requests from sponsors who had been stripped of COS under the previous interim limits. Immigration practitioners are concerned that UKBA may not have provided for this or at least included any mechanism to prioritize urgent requests.

As the new graduate occupation and shortage occupation lists are compiled, some occupations are expected to be dropped from the "skilled" threshold. Positions previously on the shortage occupation list may be removed if they do not meet the new graduate-level criteria. Nevertheless, provided the minimum salary levels are defined clearly and the lists compiled in accordance with Migration Advisory Committee (MAC) recommendations, some positions may be elevated to the new skilled level by virtue of the migrants' previous experience being equivalent to graduate-level. This will apply to all migrants across the board for both Restricted and Unrestricted COS.

Another change proposed for the Tier 2 category is the increased English-language requirement to intermediate English at level B1 on the Common European Framework of Reference for languages. Furthermore, Tier 2 entry clearance applicants will no longer be able to claim points for qualifications.

Settlement

Migrants submitting applications for ILR in the UK on or after April 6, 2011, will be affected by the changes to settlement requirements to be introduced on April 6, 2011. The changes will introduce a new income requirement for Tier 1 (General), Tier 2 (General) and work permit holders applying for settlement; will amend the Knowledge of Language and Life in the UK requirement for Tier 1 (General), Tier 2 (General) and work permit holders; and will clarify the criminality test applied to all applicants for settlement. UKBA's proposals to tighten settlement requirements bear, on closer inspection, a likeness to the outgoing government's ideas (published in the "Path to Citizenship" green paper on February 20, 2008) for selecting migrants with "the right values and commitments" who could integrate well into British society. There is one key difference however, as there appears to be no inclination to mimic the "earned citizenship" proposal.

Unfortunately, as changes are proposed for the Tier 1 and Tier 2 categories, UKBA has failed to align its proposals with settlement rules and nationality law. For instance, the lure of "accelerated settlement" for Tier 1 (Entrepreneur) and Tier 1 (Investor) migrants who invest more money into

the UK does not factor in the requirement of continuous residence in the UK under the settlement rules, which most entrepreneurs and investors will not be able to meet. UKBA has remained silent on this matter, but it is evident that primary legislation may need to be amended accordingly.

Conclusion

UKBA's aim to create a "flexible system designed to meet business needs" as well as to reduce net economic migration may seem almost impracticable but may be indeed achieved in part. Though it is a difficult balancing act, it cannot be denied that many potential applicants will now fall short of the higher thresholds, resulting in a net reduction in migration. It remains to be seen whether the new rules will constrict businesses from employing as many non-EEA migrants as required or whether businesses will remain unscathed.

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10. ABIL Webinar: U.S. Investment Visas and Green Cards for Foreign Nationals

Many foreign entrepreneurs want to start businesses or invest in the United States. Other wealthy individuals want green cards to live in the United States, but may be hesitant because of real or perceived immigration obstacles. Real estate developers and companies seeking capital for development projects are increasingly looking for EB-5 capital from foreign investors. Several visa options exist, but each has advantages, disadvantages, and limits.

This timely three-part Webinar series, presented by the Alliance of Business Immigration Lawyers (ABIL) and co-sponsored by Invest in the USA, the association of EB-5 regional centers, will help guide individual investors and others, as well as U.S. companies that want to attract foreign investors and wealthy individuals. The intended audience includes Individual investors; potential and actual EB-5 regional centers; attorneys and advisors; real estate developers; and companies seeking capital for development projects. The series will explain immigration options and offer practical real-world strategies:

- Session 1: Visa options for individual investors: E and L nonimmigrant visas; EB-5 green cards through direct investments or regional centers, to be held April 13 at 12 noon (ET). Moderated by Bernard P. Wolfsdorf. Presenters: Kehrela Hodkinson, Mark Ivener, and Stephen Yale-Loehr.

- Session 2: EB-5 regional center applications and project pre-approval petitions, to be held July 6 at 3 pm (ET). Moderated by Laura Danielson. Presenters: Bryan Funai, H. Ronald Klasko, and Steve Trow.
- Session 3: How to successfully navigate the back end of the EB-5 process for both individual investors and regional centers, to be held August 16 at 3 pm (ET). Moderated by Steve Clark. Presenters: H. Ronald Klasko, Robert Loughran, and Stephen Yale-Loehr.

The cost is \$89 for an individual session or \$249 for all three sessions. To register, go to the ABIL Webinars sign-up page at https://securec9.ezhostingserver.com/abil-com/abil_webinar_signup.cfm. For more information, contact Lauren Anderson at lauren@abil.com or visit abil.com.

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11. Congress Passes 'CIFAF' Bill in Dead of Night on April 1

In an apparent effort to avoid debate, the House of Representatives and Senate both passed the "Comprehensive Immigration Reform April Fools" bill, or CIRAF, not to be confused with GIRAFFE (and pronounced "Siraf," which is often followed by *Gesundheit*). On April 1, 2011, the bill was passed in a whirlwind late-night session fueled by Hawaiian pizza and Kenyan kabobs. Afterwards, various members of Congress fanned out across the District of Columbia searching for bars to hit, either to celebrate or to brace themselves for the ensuing public reaction, which was expected to be pretty intense.

The new bill basically lets everyone in, then kicks them all out within 30 days. "This bill achieves the right balance between enforcement and benefits," President Barack Obama said. "There is something for everyone in this legislation and therefore nobody should get mad at me. I am really a very nice guy," he noted, flashing his trademark smile. The President added that he would sign the bill just as soon as he is able to verify the U.S. citizenship of each member of Congress via an original birth certificate. Certified copies have been deemed unacceptable as proof of citizenship.

Joe the Plumber, the current favorite for the 2012 Republican presidential nomination, was unavailable for comment. *Drudgereport.com* reported a rumor that he was stuck in detention after a short trip to Arizona, after which he was stopped for being "foreign-looking."

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New Publications and Items of Interest

Data on EB-5 approvals and Regional Center filings. U.S. Citizenship and Immigration Services (USCIS) released its latest data on EB-5 filings and Regional Centers (RCs) at its March 17, 2011, EB-5 Stakeholders Meeting held at the California Service Center. USCIS figures show a steep increase in the number of RC filings and EB-5 visa approvals in the first quarter of fiscal year 2011. A PowerPoint presentation and other information from the Stakeholders Meeting are available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=68da76be729ce210VgnVCM100000082ca60aRCRD&vgnnextchannel=994f81c52aa38210VgnVCM100000082ca60aRCRD>.

Executive summary of EB-5 investor quarterly engagement. On March 17, 2011, the U.S. Citizenship and Immigration Services (USCIS) Service Center Operations (SCOPS) Directorate and the Office of Public Engagement (OPE) released an executive summary of their December 16, 2010, EB-5 Investor Quarterly Engagement. In addition to providing various updates on statistics, processing times, and the recently instituted EB-5-related forms, USCIS responded to input received from the public before the engagement.

The executive summary is available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=4c68d1f2465ae210VgnVCM100000082ca60aRCRD&vgnnextchannel=994f81c52aa38210VgnVCM100000082ca60aRCRD>. The

PowerPoint presentation and other related information and links are available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=858206489ec6a210VgnVCM100000082ca60aRCRD&vgnnextchannel=e0b081c52aa38210VgnVCM100000082ca60aRCRD>.

Solicitation for grant applications to operate national farmworker jobs training program. The Department of Labor's Employment and Training Administration announced a grant competition for operating the National Farmworker Jobs Program (NFJP). The fiscal year 2011 appropriations request for this program is \$78,410,000, to be allocated among state service delivery areas for operation of NFJP. The notice, which was published on March 17, 2011, is available at

<http://edocket.access.gpo.gov/2011/pdf/2011-6245.pdf>.

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Member News

H. Ronald Klasko (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm?c=US>) has announced the next Klasko, Rulon, Stock & Seltzer annual spring seminar, to be held April 12, 2011, from 9:30 a.m. to 1 p.m. at The Union League of Philadelphia. Topics will include updates on legislation, special handling, worksite enforcement, USCIS, CBP, DOL, new export control requirements, and EB-2/EB-3 strategy, and there will be a corporate roundtable. For more information, call (215) 825-8600.

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm?c=US>) has published several new blog entries on his Web site. "BALCA on Using a Range of Experience in Recruitment" analyzes the BALCA decision, *Matter of CCG Metamedia, Inc.* The blog notes that "regardless of previous success utilizing a particular method or type of recruitment, we cannot afford to become comfortable with the ever-changing PERM process and...these BALCA decisions provide invaluable insight into continuing to avoid the pitfalls of PERM." For more on this topic, see Mr. Mehta's December 2010 article, "Analysis of Selected Recent BALCA Decisions As Practice Pointers To Avoid PERM Denials," available at <http://www.cyrusmehta.com/News.aspx?SubIdx=ocyrus201012613454>. "Naturalization While Working Overseas For An American Firm " examines the inadequacy of an exception under the law that was designed to avoid the need to maintain continuous residence for purposes of naturalizing if a permanent resident is employed by an American firm overseas, or its subsidiary, that engages in the development of foreign trade and commerce of the U.S. The blog is available at <http://cyrusmehta.blogspot.com/2011/03/naturalization-while-working-abroad-for.html>.

Angelo Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm?c=US>) has published several new blog entries. "Immigration 'Language Is the Skin of the Soul' " discusses how recent immigration-related events illustrate the language-induced unveiling of popular passions. The blog is available at <http://nationofimmigrators.mt4temp.lexblognetwork.com/general-immigration/immigration-language-is-the-skin-of-the-soul/>. "America's Creaking, Crotchety Immigration System - Not Ready for the Globalized World" discusses immigration reform and enforcement efforts nationwide and among the states, and argues that economic prosperity and job creation must be the prime U.S. immigration policy, with pragmatism and humane treatment closely in tow.. The blog is available at <http://www.nationofimmigrators.com/immigration-reform/americas->

[creaking-crochety-immigration-system----so-not-ready-for-the-globalized-world/](#).

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) and Mr. Mehta published articles in *Legal Briefs on Immigration Reform*. Editors Deborah Robinson and Mona Parsa asked 25 of the top legal minds in the U.S. this question: *If you were called upon by the President of the United States to recommend a piece of immigration legislation that could pass the legal test of the U.S. Constitution and both houses of Congress, what would it include?* This book is their answer. More information on the book is available at <http://www.25legalbriefs.com/>.

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Government Agency Links

Follow these links to access current processing times of the USCIS Service Centers and the Department of Labor, or the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:

USCIS Service Center processing times online:
<https://egov.uscis.gov/cris/processTimesDisplay.do>

Department of Labor processing times and information on backlogs:
<http://www.foreignlaborcert.doleta.gov/times.cfm>

Department of State Visa Bulletin:
http://travel.state.gov/visa/bulletin/bulletin_1360.html

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The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training and other programs that benefit clients through the collaboration of more than 150 member attorneys and their 400+ staff. Corporate counsel, human resource professionals, in-house immigration managers and other corporate decision-makers turn to ABIL attorneys for outstanding legal skills and services. ABIL's work also includes advocating for enlightened immigration reform, providing speakers and media sources, presenting conferences, publishing books and articles on cutting-edge immigration topics, and sharing best practices, all with the ultimate goal of offering value-added services to business immigration clients.

The Alliance of Business Immigration Lawyers' Web site is:
<http://www.abil.com/>.

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