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House Judiciary Committee Approves E-Verify Legislation

The House of Representatives Committee on the Judiciary approved a bill on September 21, 2011, that would mandate E-Verify use by U.S. employers for all new employees. A date for consideration on the House floor has not yet been set. The bill, H.R. 2885, was introduced by Lamar Smith (R-Tex.), chairman of the Judiciary Committee.

Among other things, there reportedly was much discussion during markup of the bill about its potential effect on agricultural workers. Rep. Dan Lungren (R-Cal.) said that an E-Verify mandate would "devastate the agricultural industry," and that the issue should be dealt with "in a practical fashion." However, Rep. Howard Berman (D-Cal.) offered an amendment that the committee passed, which closed a loophole that would have allowed agricultural employers of returning seasonal workers to be exempt. Rep. Berman said that would amount to a "laughable de facto amnesty," and Rep. Melvin Watt (D-Cal.) agreed that it would be a "loophole big enough to drive freight trucks, airplanes, and locomotives -- all filled with illegal workers -- through." Despite closing the loophole, the bill would still give agricultural employers three years to comply.

A provision to preempt states from mandating E-Verify survived. Rep. Smith argued that preemption "is consistent with a common-sense reading of the Constitution" and that "American businesses need one federal standard for E-Verify, not 50 or more laws."

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State Dept. Estimates Employment-Based Visa Availability

The October Visa Bulletin from the Department of State's Visa Office notes that employment-based visa availability in the coming months is expected to be "Current" for the employment first preference (EB-1) category; the employment second preference (EB-2) Worldwide, Mexico, and Philippines categories; and the employment fourth and fifth categories. The Department noted that the estimates are subject to fluctuations in demand, but said that categories with a "Current" projection "will remain so for the foreseeable future."

For categories other than those noted above, the bulletin states:

Employment Second:

China and India: The current cut-off date is approaching the most favorable date previously reached for applicants from China and India. The rapid forward movement is intended to generate demand based on new filings for adjustment of status at U.S. Citizenship and Immigration Services offices, which currently accounts for over 85% of all employment-based number use. Once the level of demand increases sufficiently, it may be necessary to slow or stop the cut-off movement, and a retrogression of the cut-offs at some point during the year is a distinct possibility.

Employment Third:

Worldwide: up to one month
China: one to three weeks
India: up to two weeks
Mexico: up to one month
Philippines: up to one month

The October Visa Bulletin is available at
http://www.travel.state.gov/visa/bulletin/bulletin_5560.html.

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House Holds Hearing on Immigrant Investor Program and Job Creation

On September 14, 2011, the House of Representatives' Subcommittee on Immigration Policy and Enforcement held a hearing on the EB-5 investor visa program. House Judiciary Committee Chairman Lamar Smith (R-Tex.) opened the hearing by declaring that the "number one job of Congress is to create jobs." He said the investor visa program plays a part in achieving that goal. "The regional center pilot project, which is almost two decades old, has become the most used part of the investor visa program," Rep. Smith noted. "Investment through a regional center is attractive to potential investors because they are relieved of the responsibility of running a new business and they can count indirect job creation towards the job creation requirement." He said that the Invest in the USA trade association "has estimated that the regional center program has created or saved over 65,000 jobs in the U.S. and has led to the investment of over \$3 billion in the U.S. economy." He also noted that the program is set to expire on September 30, 2012. Rep. Smith said the hearing would focus on how to continue bringing entrepreneurs to the U.S. while rooting out fraud and abuse.

Witnesses included William Stenger, President and Chief Executive Officer, Jay Peak Resort, Vermont; Daniel Healy, Chief Executive Officer, Civitas Capital Group, Texas; Jason Mendelson, Managing Director, Foundry Group, Colorado; and Shervin Pishevar, Managing Director, Menlo Ventures, California.

Rep. Smith's statement and the statements of the witnesses are available at
http://judiciary.house.gov/hearings/hear_09142011.html.

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Diversity Visa 2013 Registration Begins

The online registration period for the 2013 diversity visa program (DV-2013) begins on Tuesday, October 4, 2011, at noon (EDT) and ends on Saturday, November 5, 2011, at noon (EDT). Entries must be submitted electronically with photographs. There are no fees to enter. The Department of State strongly encourages applicants not to wait until the last week to enter, because heavy demand may result in website delays and no applications will be accepted on paper or after the deadline. For fiscal year 2013, the program will make available 50,000 visas to eligible persons from countries with historically low rates of immigration to the U.S.

For DV-2013, natives of the following countries are not eligible to apply: Bangladesh, Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Peru, Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

Persons born in Hong Kong SAR, Macau SAR, and Taiwan are eligible. For DV-2013, natives of South Sudan and Poland are now eligible.

To be eligible for the DV program, a person must be a native of one of the listed countries and must meet either the education or work experience requirement of the program. Entrants must have either a high school education or its equivalent, defined as successful completion of a 12-year course of elementary and secondary education, or two years of work experience within the past five years in an occupation requiring at least two years of training or experience to perform. The Department of Labor's "O*Net OnLine" database, which will be used to determine qualifying work experience, is available at <http://www.onetonline.org/>.

The submission site is <http://www.dvlottery.state.gov>. A successfully registered entry will result in a confirmation screen showing the entrant's name and a unique confirmation number. The entrant must print this confirmation screen and retain the confirmation number. Starting May 1, 2012, entrants will be able to check the status of their DV-2013 entries by returning to <http://www.dvlottery.state.gov>, Entrant Status Check, and entering the unique confirmation number and personal information. Entrant Status Check will be the sole means of informing entrants of their selection for DV-2013, providing instructions on how to proceed with an application if selected, and notifying entrants of their appointment for an immigrant visa interview. The Department of State warned that it will be unable to provide an entry confirmation number if it is lost.

The Department of State released "official" instructions in English and "unofficial" instructions in Albanian, Polish, Romanian, Russian, and Uzbek. The English instructions are available at http://travel.state.gov/pdf/DV_2013_instructions.pdf. For more information, see http://travel.state.gov/visa/immigrants/types/types_1318.html.

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[Labor Dept. Postpones Revised H-2B Wage Calculations](#)

The Department of Labor's Employment and Training Administration has postponed for 60 days the effective date for the final rule on wage methodology for the H-2B temporary nonagricultural employment program. The effective date will be November 30, 2011. The Department said the delay will permit various courts involved in ongoing litigation concerning the rule's implementation to determine the appropriate venue for resolution of all claims and allow the Department to avoid the possibility of administering the H-2B program under potentially conflicting court orders.

The Department explained that it published a final rule on January 19, 2011, revising the wage methodology for the H-2B program and setting the effective date of the wage rule as January 1, 2012. On June 16, 2011, in response to a challenge, the U.S. District Court for the Eastern District of Pennsylvania invalidated that date and ordered the department to announce a new effective date within 45 days. In response to that order, the Department issued a notice of proposed rulemaking on June 28, 2011, which proposed that the wage rule take effect 60 days from the date of publication of a final rule. After a period of public comment, the Department published a final rule on August 1, 2011, which set the new effective date for the wage rule as September 30, 2011, without altering the substance of the rule. With the new postponement, the effective date is now set for November 30, 2011.

The announcement is available at <http://www.dol.gov/opa/media/press/eta/eta20111404.htm>.

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SSA Inspector General Finds Anomalies in H-1B Workers' Use of Social Security Numbers

The Social Security Administration's Office of the Inspector General (OIG) released a report in September on H-1B workers' use of Social Security Numbers (SSNs) that could result in more close monitoring of status violations by H-1B workers and potential liability for H-1B employers.

Based on the results of the review, the OIG estimated that about 7,131 (18 percent) of the 38,546 H-1B workers to whom the SSA assigned an SSN in 2007 may have used their SSNs for purposes other than to work for their approved employer. This estimate included about 4,433 (11 percent) H-1B workers who had posted wages during the audit period from an employer other than their Department of Homeland Security (DHS)-approved employer. The estimate also included about 2,698 (7 percent) H-1B workers who had no posted wages from 2007 through 2009.

The OIG noted that unauthorized work by H-1B workers weakens SSN integrity and may require that the agency pay future benefits to individuals who misuse an SSN to work in the U.S. In addition, the OIG noted, H-1B workers who do not work for their approved employer "could pose a risk to homeland security, because they may obtain employment in sensitive areas."

The OIG also commented on a recent DHS study reporting that about 21 percent of the H-1B petitions it examined involved fraud or technical violations. The types of fraud identified included counterfeit or forged documents, storefront or shell businesses, no bona fide job offer, and misrepresentation of H-1B status. DHS subsequently clarified field guidance and instituted employer site visits to reduce alleged fraud and abuse in the H-1B visa program.

Additionally, the OIG noted, the Department of Justice has pursued criminal charges in some H-1B fraud cases. In one case, six individuals pled guilty to participating in a criminal conspiracy with the owner of a consulting firm to obtain H-1B visas for ineligible or unqualified individuals. All six individuals admitted that they had secured cash-paying jobs from unapproved employers instead of working for the consulting firm. In another case the OIG discussed, U.S. Immigration and Customs Enforcement agents arrested 11 individuals accused of H-1B visa fraud. This investigation involved companies that did not always have jobs available for H-1B workers, which placed the workers in non-pay status after they arrived in the U.S. These companies and workers also allegedly submitted false statements and documents to support their H-1B visa petitions, the OIG noted. Because the subject of the OIG report involved immigration enforcement and visa-related issues, the OIG said it planned to share the report with the DHS and State Department Offices of Inspector General.

The OIG recommended that SSA contact DHS to offer to establish a data match agreement to assist DHS's efforts to identify and reduce the number of H-1B workers who may use their SSNs for purposes other than to work for their approved employer. SSA agreed with that recommendation.

The OIG report, "H-1B Workers' Use of Social Security Numbers," is available at <http://oig.ssa.gov/sites/default/files/audit/full/pdf/A-08-11-11114.pdf>.

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State Dept. To Conduct On-Site Reviews of Summer Work Travel Sponsors

The Department of State announced on September 23, 2011, that it plans to conduct on-site reviews of Summer Work Travel Program sponsors to evaluate regulatory compliance. The program provides foreign college and university students the opportunity to work and travel in the U.S. during their extended academic break (summer vacation) for up to four months.

The Department explained that on April 26, 2011, it published an interim final rule governing the Summer Work Travel category under the Exchange Visitor Program. In that rulemaking, the Department set forth its three-step approach to addressing a number of concerns regarding sponsor administration of this program:

- 1) The Department adopted a pilot program in January 2011 to enhance protections for foreign nationals from Belarus, Bulgaria, Moldova, Romania, Russia, and the Ukraine.
- 2) The Department issued the interim final rule, which incorporated many of the concepts of the pilot program into the overall Summer Work Travel Program regulations.
- 3) The Department intends to conduct on-site reviews to monitor sponsor performance, to assess category-wide regulatory compliance, and to consult with sponsors about implementation of the interim final rule.

Close monitoring of Summer Work Travel sponsors during the summer of 2011 resulted in the Department's modifying its plans for the on-site reviews. Specifically, the Department evaluated all Summer Work Travel sponsors' compliance with program regulations regarding the maintenance of current and accurate records in the Student and Exchange Visitor Information System (SEVIS) from September 1, 2009, through August 30, 2010. It also reviewed Summer Work Travel-related complaints for the 2011 summer season and monitored the media for additional reports of program problems. As a result of these efforts, the Department determined that it will not visit sponsors based solely on their size, but instead "will conduct compliance reviews of those designated sponsors whose compliance with the relevant Exchange Visitor Program regulations deserve closer examination by the Department."

Currently there are 51 designated sponsors in the Summer Work Travel category. Of those, the Department has identified 14 sponsors that will be reviewed. Although the Department may later decide to evaluate additional sponsors, it intends to visit these 14 sponsors (which the Department did not name but said that they together sponsor about 65 percent of all Summer Work Travel participants) between October and December 2011. On average, the Department expects that each on-site review will take two full business days and will be preceded by written notice 10 days in advance and a request for certain specified documents.

The Department said the on-site reviews will focus on evaluating the overall program administration and the effectiveness of the modifications to sponsors' program administration resulting from implementation of the interim final rule and the pilot program. A primary goal of these reviews is to assess whether the sponsors have been able "to comply and remain in continual compliance with all provisions of Part 62" (22 CFR 62.3(b)(1)). To this end, the reviews will focus on sponsor compliance with the pilot program guidelines and participant monitoring requirements, maintenance of accurate SEVIS records, and sponsors' relationships with third parties they have engaged to assist in carrying out the core programmatic functions inherent in the administration of exchange visitor programs (i.e., screening, selection, orientation, placement, monitoring, and the promotion of mutual understanding). Other areas of interest may include sponsors' roles in assisting participants in finding suitable housing; decision-making processes (including the numbers of participants accepted); self-imposed compliance mechanisms; procedures for handling student participant problems (including finding new jobs for those whose pre-arranged placements were unsatisfactory); and policies for refunding deposits or payments to student participants.

Finally, the Department said it intends to use these reviews as an opportunity for sponsors to provide feedback on the pilot program and the interim final rule in general, and more specifically, sponsors' experience with the relevant new regulatory provisions during the summer season of 2011. Feedback will be used to assist in issuing the final rule. Best practices will be collected from the on-site reviews and shared with the wider sponsor community.

Sponsors who are not included in these reviews and wish to comment should e-mail their comments and concerns to the Department at JVisas@State.gov.

The notice is available at <http://www.gpo.gov/fdsys/pkg/FR-2011-09-23/pdf/2011-24551.pdf>.

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DHS Launches 'Study in the States'

On September 16, 2011, Secretary of Homeland Security Janet Napolitano and Immigration and Customs Enforcement (ICE) Director John Morton announced an initiative to streamline the international student visa process for foreign students seeking to study in the U.S. The "Study in the States" initiative is "a key component of a government-wide effort to encourage the best and brightest foreign students to study and remain in the U.S.," a Department of Homeland Security (DHS) media release said.

"Attracting the best and brightest international talent to our colleges and universities is an important part of our nation's economic, scientific and technological innovation and competitiveness," Secretary Napolitano said. "Foreign students and exchange visitors bring invaluable contributions to our nation, and the Study in the States initiative is an important step in empowering the next generation of international entrepreneurs, right here in America."

DHS noted that more than 1.1 million active nonimmigrant students and exchange visitors and their dependents study in U.S. universities, exchange programs, and training opportunities. Study in the States will examine regulatory changes, expand public engagement between the government and academia, and provide a central online information hub for DHS and its agency partners to provide current and prospective students with updated and relevant visa requirements in a user-friendly format.

"Study in the States encourages international students who seek the wealth of educational opportunities available in the U.S. to remain here following their studies and apply their new skills here in our country," said ICE Director Morton. "We aim to strike a balance—providing an open and welcoming experience for international students and visitors seeking information, while maintaining the integrity and security of our visa process. This site is an important step toward reaching that goal."

DHS said that the Study in the States website is intended to be an innovative, interagency portal that will include:

- Interactive and accessible information, allowing prospective and current students to visually navigate steps of the student visa process on their own "Road Map to Success."
- Links to social media websites, such as Facebook and Twitter, disseminating relevant visa requirements and information to international students, exchange visitors, and the academic community.
- A blog with posted videos, public service announcements, relevant news, requirements, helpful tips, and success stories.

DHS said that Study in the States builds on other new policies intended to encourage talented students from other countries to study and work in the U.S. For example, earlier this year, DHS announced an extension to science, technology, engineering and math (STEM) degrees for international student studies, allowing graduates of a STEM degree to remain in the U.S. through Optional Practical Training (OPT) for up to 29 months after graduation.

For more information on the initiative, see <http://studyinthestates.dhs.gov/>. The announcement is available at <http://www.dhs.gov/ynews/releases/20110916-study-in-the-states.shtm>. A fact

sheet is available at <http://www.dhs.gov/ynews/releases/20110916-fact-sheet-study-in-the-states.shtm>.

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ICE Issues Notice on Special Relief for Libyan F-1 ESL Students

U.S. Immigration and Customs Enforcement (ICE) issued a notice to SEVIS users on September 14, 2011, on special relief for Libyan F-1 students enrolled in English as a Second Language programs, as outlined in a Federal Register notice published on June 10, 2011. The relief includes employment authorization for full-time work and the opportunity for a reduced courseload. ICE noted that the goal of this relief is to provide full-time employment authorization to eligible students experiencing severe economic hardship due to the civil unrest in Libya.

The notice is available at <http://www.ice.gov/doclib/sevis/pdf/1107-01broadcast-libyan-esl-student-relief.pdf>. The Federal Register notice is available at <http://www.gpo.gov/fdsys/pkg/FR-2011-06-10/pdf/2011-14482.pdf>.

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ABIL Global: Australia Update

As part of "Subclass 457" visa reforms, the Australian government has announced a sponsor accreditation scheme, available beginning on November 1, 2011, for certain standard business sponsors.

The Australian Government has announced plans to introduce Accredited Sponsor (AS) status, beginning on November 1, 2011, to facilitate the priority processing of company nominations and temporary entry subclass 457 visas for sponsored employees. AS status can be applied for either with a new sponsorship application or by variation of an existing sponsorship.

The new accreditation process recognizes that many Australian businesses have a long history of good dealings with immigration authorities, including lodging a high volume of good quality, decision-ready applications and an excellent record of compliance with relevant laws.

Once accredited, the sponsorship agreement will last for 6 years; this compares with the current 3 years for standard sponsors. The same form will be used as for an application to become a standard sponsor. If the criteria for AS status are not met, the application for standard sponsorship will proceed and be assessed in the usual way.

To qualify for AS status, sponsors must demonstrate several additional characteristics above the standard sponsorship requirements at the time of application. The sponsor must:

- be a government agency, a publicly listed company, or a private company, with a minimum of A\$4 million turnover per year for the last 3 years
- have been an active 457 visa sponsor for the past 3 years (with a break of no more than 6 months, not due to any sanction)
- have no adverse information known about them based on monitoring by Australian immigration and workplace authorities, including formal warnings and sanctions
- have had at least 30 subclass 457 visa holders granted in the previous 12 months
- have lodged a high level of decision-ready applications over the previous 2 years
- have a non-approval rate of less than 3% for the previous 3 years

- have Australian workers comprising at least 75 percent of their workforce in Australia and a commitment to maintain this level
- have a Collective Agreement or Enterprise Agreement that covers all 457 visa holders earning less than A\$180,000 per annum.

If a sponsor fails to maintain these characteristics, AS status can be revoked, resulting in loss of access to priority processing arrangements.

Australian ABIL member Katie Malyon has indicated that the last of these requirements for AS status means that few sponsors apart from State/Territory governments will be able to access the scheme.

For more information, see

http://mia.org.au/media/File/Sponsorship_Accreditation_Update.pdf?utm_medium=email&utm_campaign=MIA+Notice+Issue+201140+New+Sponsor+Accreditation+Scheme+Perth+RSMS+Fact+Sheet+Character+Test+Fact+Sheet&utm_content=MIA+Notice+Issue+201140+New+Sponsor+Accreditation+Scheme+Perth+RSMS+Fact+Sheet+Character+Test+Fact+Sheet+CID_ac9bd4bc75ade33def564400ed3ba888&utm_source=Email+marketing&utm_term=Click

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New Publications and Items of Interest

[Green Card Stories](#). The immigration debate is boiling over. Americans are losing the ability to understand and talk to one another about immigration. We must find a way to connect on a human level. *Green Card Stories* does just that. The book depicts 50 recent immigrants with permanent residence or citizenship in dramatic narratives, accompanied by artistic photos. If the book's profilees share a common trait, it's a mixture of talent and steely determination. Each of them overcame great challenges to come and stay in America. *Green Card Stories* reminds Americans of who we are: a nation of immigrants, from all walks of life and all corners of the earth, who have fueled America's success. It tells the true story of our nation: E pluribus unum--out of many, one.

Green Card Stories will be released on November 8. For more information or to order, visit http://www.abil.com/green_card.cfm.

[Case assistance](#). The U.S. Citizenship and Immigration Services (USCIS) Ombudsman has posted information about obtaining assistance with immigration cases. "If you have a problem with your USCIS application or petition, the Ombudsman may be able to help. The Ombudsman provides an impartial and independent perspective to USCIS in an attempt to resolve problems. Before contacting the Ombudsman for help, first try to resolve your problem by using the USCIS customer service options available to you." The website lists those options, then notes that:

The Ombudsman may be able to help if:

- You are facing an emergency or hardship caused by a mistake, error, or delay by USCIS.
- You are experiencing a problem with your application or petition that you have not been able to resolve with USCIS.
- Your application or petition is pending beyond USCIS processing times.

The Ombudsman is not able to help if:

- You are seeking legal advice. The Ombudsman does not provide legal advice.

- You are seeking assistance with an issue that does not involve USCIS. The Ombudsman's authority is limited to assisting with problems that relate to USCIS applications, petitions, or services.

NOTE: While the Ombudsman's Office provides impartial and independent recommendations to USCIS on how to resolve problems, the Ombudsman's Office does not have the statutory authority to make or change USCIS decisions.

See http://www.dhs.gov/files/programs/editorial_0497.shtm.

OIG report on adjudication of petitions for nonimmigrant H-1B and H-2B workers. The Department of Homeland Security's Office of Inspector General recently published "The U.S. Citizenship and Immigration Services' Adjudication of Petitions for Nonimmigrant Workers (I-129 Petitions for H-1B and H-2B Visas." The OIG said that Immigration Services Officer (ISO) fraud training is "decentralized and inconsistent" and could be improved. The OIG recommended that the USCIS Director: (1) develop and implement a national, post-basic fraud identification and response training program that identifies current fraud trends; and (2) ensure that this fraud training is conducted annually for all ISOs and supervisors responsible for H-1B and H-2B adjudication. The USCIS Director concurred with both recommendations. The report is available at http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG_11-105_Aug11.pdf.

ICE fact sheet on applying for a driver's license or ID card for F, M, J nonimmigrants. U.S. Immigration and Customs Enforcement released a fact sheet for designated school officials and responsible officers to help F, M, or J nonimmigrants (primary and dependent) obtain driver's licenses or state identification cards. The fact sheet, which includes general questions and answers, known issues, and contact information, is available at http://www.ice.gov/doclib/sevis/pdf/dmv_factsheet.pdf.

Health profession workforce development. The Department of Health and Human Services' Health Resources and Services Administration (HRSA) is the lead federal agency responsible for collecting data and certifying communities as Health Professional Shortage Areas. The website includes information on health profession grants, scholarships, and loans; a fact sheet; and a link to the American Recovery and Reinvestment Act. See <http://bhpr.hrsa.gov/about/index.html>.

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Member News

Steve Clark (bio: <http://www.abil.com/lawyers/lawyers-clark.cfm?c=US>) moderated Session 3 of the ABIL webinar series, "U.S. Investment Visas and Green Cards for Foreign Nationals." Session 3: How to successfully navigate the back end of the EB-5 process for both individual investors and regional centers, was held on August 16, 2011. Panelists included ABIL members **Robert Loughran** (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm?c=US>) as well as **Stephen Yale-Loehr** (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) and **H. Ronald Klasko** (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm?c=US>).

Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm?c=US>) was invited on August 15, 2011, to meet with the leadership of the Texas Department of Public Safety (DPS) regarding new lawful presence documentation language that has been added to the Texas Transportation Code and to comment on proposed DPS regulatory guidance and training in order to minimize inconvenience and discrimination toward immigrants in Texas applying for licenses and identification cards.

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm?c=US>) has posted a new blog entry. "Reinterpreting the Automatic Conversion Provision of the CSPA to help DREAM Kids" is available at <http://cyrusmehta.blogspot.com/2011/09/reinterpreting-automatic-conversion.html>.

Mr. Mehta was on a panel at the 5th Biennial Global Immigration Conference of the International Bar Association in London on September 23-24, 2011. For more information, see <http://www.int-bar.org/conferences/conf383/binary/London%20Global%20Immigration%202011%20programme.pdf>. He also spoke on a panel on "Teaching Ethics Across the Curriculum" for Brooklyn Law School faculty on September 21.

Angelo Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm?c=US>) has posted a new blog entry. "Off-Message Immigration Bureaucrats Undermine President's Jobs Push by Refusing L-1B Visas to Indian Citizens" is available at <http://bit.ly/mODJd7>.

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted in *Bloomberg Businessweek*. In comments on the EB-5 investor program, he said, "This is a unique way for immigration to enhance the U.S. economy ... at no expense to the U.S. taxpayer."

Mr. Yale-Loehr was featured on a one-hour radio talk show on WAMU on September 28, 2011, about the EB-5 program. The URL for the interview is at <http://thekojonnamdishow.org/shows/2011-09-28/investment-immigration> (click on "Listen").

Mr. Yale-Loehr was quoted in the September 29, 2011, edition of the *Wall Street Journal*. In an article about a federal judge's upholding of key parts of a new Alabama law aimed at stopping illegal immigration, Mr. Yale-Loehr noted, "Judge Blackburn seems to believe it's not a crime for an undocumented immigrant to solicit work but it is a crime for an undocumented person to do business with the state. The Supreme Court needs to decide this issue once and for all." The article is available at http://online.wsj.com/article/SB10001424052970204226204576599012968434494.html?gclid=8888&mod=WSJ_hpp_sections_news.

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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

Visa application wait times for any post: http://travel.state.gov/visa/temp/wait/wait_4638.html

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About ABIL

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 400 member lawyers and their 1,000 staff. Corporate counsel, human resource professionals, in-house immigration managers, and other corporate decision-makers turn to ABIL lawyers 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 at <http://www.abil.com/>.

Disclaimer/Reminder

This e-mail does not constitute direct legal advice and is for informational purposes only. The information provided should never replace informed counsel when specific immigration-related guidance is needed.

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