



Immigration Insider

News from the Alliance of Business Immigration Lawyers Vol. 4, No. 7 · July 1, 2008

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Details...

1. Federal Contractors Must Use E-Verify, White House Orders

President Bush issued an executive order on June 9, 2008, requiring that Federal contractors check the immigration status of their current and future employees through the E-Verify online employment authorization verification system.

The order states that "adherence to the general policy of contracting only with providers that do not knowingly employ unauthorized alien workers and

that have agreed to utilize an electronic employment verification system designated by the Secretary of Homeland Security to confirm the employment eligibility of their workforce will promote economy and efficiency in Federal procurement."

The text of the executive order is available at <http://www.whitehouse.gov/news/releases/2008/06/print/20080609-2.html>.

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2. CBP Issues Tips for U.S.-Canadian Border Travelers

With the onset of summer travel, U.S. Customs and Border Protection (CBP) recently released tips for cross-border travelers between the U.S. and Canada.

U.S. and Canadian citizens are now required to present proof of citizenship and identity to enter the U.S. at land and sea ports of entry. This may include a passport, trusted traveler program card (NEXUS), or birth certificate with a driver's license. Travelers 18 and under may present just a birth certificate. A passport has been required for all travelers entering and departing the United States by air since January 2007.

CBP also reminded U.S. lawful permanent residents that the I-551 form (green card) is acceptable for land and sea travel into the U.S.

CBP's tips include:

- **Tip #1** – Travelers should familiarize themselves with the "Know Before You Go" section of the CBP Web site to avoid fines and penalties associated with the importation of prohibited items. "Know Before You Go" brochures are also available at border ports of entry.
- **Tip #2** – Travelers should prepare for the inspection process before arriving at the inspection booth. Individuals should have their crossing documents available for the inspection and they should be prepared to declare all items acquired abroad. In addition, individuals should end cellular phone conversations before arriving at the inspection booth.
- **Tip #3** – Members of the traveling public should consult the CBP Web site to monitor border wait times for various ports of entry, including Blaine and Sumas, Washington; Sweetgrass, Montana; and Pembina, North Dakota. Information is updated hourly and is useful in planning trips and identifying periods of light use and short waits.

- **Tip #4** – During periods of heavy travel, border crossers may wish to consider alternative, less heavily traveled entry routes.
- **Tip #5** – Travelers should plan to build extra time into their trips in the event they cross during periods of exceptionally heavy traffic (e.g., Canada Day and the Fourth of July holidays and adjacent weekends).
- **Tip #6** – Know the difference between goods for personal use and goods for commercial use.
- **Tip #7** – Do not attempt to bring fruits, meats, dairy, poultry products, or firewood into the U.S. from Canada without first checking whether they are permitted.
- **Tip #8** – CBP officers have the authority to conduct enforcement examinations without a warrant, ranging from a simple luggage examination up to and possibly including a personal search. Even during the summer vacation season, international border crossers should continue to expect a thorough inspection process when they enter the U.S. from Canada.

CBP said its officials continually monitor traffic and border crossing times at area ports of entry. CBP plans to fully staff all inspection lanes during peak periods and to implement various traffic management operations to maintain the flow of traffic during periods of exceptionally heavy usage.

The tips are available at

http://www.cbp.gov/xp/cgov/newsroom/news_releases/06272008.xml.

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3. USCIS To Issue Two-Year EADs for Certain LPR Applicants

U.S. Citizenship and Immigration Services (USCIS) announced on June 12, 2008, that certain lawful permanent resident applicants may file a Form I-765 (Application for Employment Authorization) to request a two-year employment authorization document (EAD). The two-year EAD is available to pending adjustment applicants (those who have filed a Form I-485, Application to Register Permanent Residence or Adjust Status) who have filed for an EAD under 8 CFR § 274.a.12(c)(9) and who are currently unable to adjust status because an immigrant visa number is not available. USCIS will continue to grant EADs that are valid for one year for adjustment applicants who have an available immigrant visa number and are filing for employment authorization under that section. The agency will decide whether to renew an EAD for either a one- or two-year validity

period based on the most recent Department of State Visa Bulletin. We can anticipate that under this month's Visa Bulletin, the only employment-based applicants to benefit from the two-year period will be in the EB-3 classification, or EB-2 applicants who are natives of China or India.

USCIS said it expects to implement this initiative for cases pending on June 30, 2008. Applicants filing an I-765 under § 274.a.12(c)(9) should begin to receive their two-year EAD several weeks after the June 30, 2008, implementation date.

The announcement is available at

http://www.uscis.gov/files/article/employ_auth_docs_061208.pdf. A related fact sheet is available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=62ae15d3ffd7a110VgnVCM1000004718190aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>.

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4. USCIS Issues Supplemental Guidance on Processing Petitions Affected by AC21 and ACWIA

U.S. Citizenship and Immigration Services (USCIS) released supplemental guidance on May 30, 2008, relating to processing forms I-140 (employment-based immigrant petitions), I-129 (H-1B petitions), and I-485 (adjustment of status applications) affected by the American Competitiveness in the Twenty-First Century Act of 2000 (AC21) and the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA). The guidance discusses a variety of issues, such as the application of several Department of Labor rules related to labor certification; documentation; H-1B petitions; and portability issues under AC21. USCIS plans to incorporate all previous still-applicable guidance into forthcoming rulemaking relating to various AC21 and ACWIA statutory provisions.

Among other things, the guidance notes that to determine an H-1B beneficiary's eligibility for an extension of H-1B status under § 104(c) of AC21, USCIS adjudicators are instructed to review the Department of State's Visa Bulletin that was in effect at the time of filing of the I-129 petition. If, on the date of filing of the H-1B petition, the Visa Bulletin shows that the beneficiary was subject to a per-country or worldwide visa limitation in accordance with the beneficiary's immigrant visa priority date, the H-1B extension request under AC21 § 104(c) may be granted. To establish the priority date, USCIS may accept a copy of the H-1B beneficiary's I-140 petition approval notice.

The guidance also notes that USCIS adjudicators are instructed that if credible documentary evidence is provided in support of an H-1B petition that the beneficiary faced retaliatory action from his or her employer based on reporting a violation of INA § 212(n)(2)(C)(iv), USCIS adjudicators may consider any related loss of H-1B status by the beneficiary as an "extraordinary circumstance." This process may allow the beneficiary additional time to acquire new H-1B employment and remain eligible to apply for a change of status or extension of stay notwithstanding the termination of employment or other retaliatory action by the employer.

The guidance is available at

http://www.uscis.gov/files/nativedocuments/AC21_30May08.pdf.

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5. USCIS Offers Premium Processing Service for Certain Immigrant Worker Petitions

U.S. Citizenship and Immigration Services (USCIS) will make available Premium Processing Service for designated Form I-140 petitions (Immigrant Petition for Alien Worker) filed for H-1B nonimmigrant workers who are reaching the end of their sixth year in H-1B nonimmigrant status. Starting on June 16, 2008, USCIS is accepting Form I-907, Request for Premium Processing Service, for I-140s filed for beneficiaries who, as of the date of filing the I-907:

- are currently in H-1B nonimmigrant status;
- will reach the end of their sixth year of H-1B nonimmigrant stay in 60 days;
- are only eligible for a further H-1B extension under § 104(c) (three-year extension provision) of the American Competitiveness in the Twenty-First Century Act of 2000 (AC21) upon approval of their I-140; and
- are ineligible to extend their H-1B status under AC21 § 106(a) (i.e., failed to file a labor certification application before the end of the final year of H-1B status)

Premium Processing Service guarantees petitioners that within 15 calendar days of receipt of a petition, USCIS will issue an approval or denial notice, a notice of intent to deny, a request for evidence, or a notice of investigation for fraud or misrepresentation. Because of the limitations imposed by USCIS, relatively few people will be able to take advantage of this new announcement.

The announcement is available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=7e3355fe4a37a110VgnVCM1000004718190aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>.

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6. U.S., U.K. Border Agencies Agree to Expedite Travel Between Nations

U.S. Customs and Border Protection has signed a joint agreement with the government of the United Kingdom to develop a bilateral pilot program to facilitate travel between the two nations. The International Expedited Traveler Initiative will integrate CBP's Global Entry program with the British registered traveler program.

CBP announced the Global Entry pilot program April 11 to build upon other CBP trusted traveler programs, such as NEXUS and SENTRI, designed to facilitate and expedite the entry process for pre-registered low-risk international travelers into the U.S. NEXUS is a joint program with the Canada Border Services Agency that allows expedited processing into the U.S. and Canada at the land border and at Canadian pre-clearance airports. SENTRI provides for dedicated processing at the U.S.-Mexico land border.

The Global Entry pilot kicked off for U.S. citizens and U.S. permanent residents on June 6 at three airports: John F. Kennedy International Airport in New York; George Bush Intercontinental Airport in Houston, Texas; and Washington Dulles International Airport. CBP began accepting online applications on May 12. CBP expects that citizens of the United Kingdom will be invited to apply as soon as late this year. CBP signed a similar agreement with the government of the Netherlands on May 19.

The announcement is available at

http://www.cbp.gov/xp/cgov/newsroom/news_releases/06242008_4.xml.

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7. Homeland Security Tech Undersecretary, Others Warn of Skills Crisis

Jay Cohen, the Department of Homeland Security Department's undersecretary for science and technology, warned during his keynote address at a recent University of Maryland global security summit that the U.S. workforce is "in crisis" because of insufficient numbers of students

going into math and science fields. Mr. Cohen said students view those topics as too difficult.

Mr. Cohen also noted that "[w]e don't have the leadership in industry to make the sustained investment in basic and applied research because of [falling] monthly and quarterly returns."

Among other things, Mr. Cohen noted, the U.S. government may soon sign an agreement with the European Union, which has promised an investment of 1.3 billion euros in security-related projects, including the development of new technologies.

Rep. Judy Biggert (R-Ill.) and 10 other lawmakers sent a recent letter on the same issue to House Speaker Nancy Pelosi (D-Cal.), Minority Leader John Boehner (R-Ohio), and others, asking that they reinstate a portion of U.S. competitiveness funds cut in the fiscal year 2008 omnibus appropriations bill.

Additional information about the global security summit is available at <http://www.rhsmith.umd.edu/ciber/globalsecurity2008/agenda.html>.

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8. DOL Audits Labor Cert Applications Filed By Fragomen

The Department of Labor has decided to conduct an audit of all permanent labor certification applications filed by Fragomen, Del Rey, Bernsen & Loewy, LLP (Fragomen). The Department alleged that it "has information indicating that in at least some cases the firm improperly instructed clients who filed permanent labor certification applications to contact their attorney before hiring apparently qualified U.S. workers." The audits will determine which, if any, applications should be denied or placed into department-supervised recruitment "because of improper attorney involvement in the consideration of U.S. worker applicants," the Department said.

Fragomen responded in a statement released on its Web site that "DOL, by its audit, seeks to limit the right to counsel. In order to make its point, DOL presses to make a radical departure from past practice and create a new regulatory interpretation which would limit the role of employers' attorneys and bar them from giving guidance on specific fact situations." Fragomen noted "widespread outrage" in the business community and in the immigration bar at the Department's "unprecedented sweeping audit and its misinterpretation of the law." Also voicing support, Fragomen noted, are the American Immigration Lawyers Association, "which ha[s] challenged and criticized DOL's new interpretation and also the manner in which it has

publicly announced the audits," and the U.S. Chamber of Commerce. Fragomen said it is working to reach an agreement "that will enable us to move forward quickly to a resolution and have DOL release cases from audit in the near future, so cases will be back on track in the routine process."

The Department of Labor's announcement is available at <http://www.dol.gov/opa/media/press/eta/eta20080752.htm>. Fragomen's statement is available at <http://pubweb.fdbl.com/news1.nsf/9abe5d703b986cff86256e310080943a/13b637d2e0930e1d852574750003a7d6?OpenDocument>. Fragomen's update is available at <http://www.ilw.com/immigdaily/news/2008,0630-fragomen.pdf>. See also <http://mondaq.com/article.asp?articleid=62392>.

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9. Court Rules Del Monte Cannot Avoid Liability for Wage Violations of Contractor

A federal court ruled that Fresh Del Monte Produce Southeast, Inc., is liable for worker wage violations by a labor contractor. The lawsuit was filed by the Southern Poverty Law Center (SPLC) in April 2006 on behalf of up to 500 field and factory H-2A agricultural workers working in Georgia on planting, harvesting, and packaging onions.

Mary Bauer, director of the SPLC's Immigrant Justice Project, said the decision was particularly significant "because it provides a roadblock to a disturbing trend by large corporate growers that import workers. Increasingly, those corporations attempt to evade responsibility for their workers by having middlemen — generally penniless crew leaders — submit the applications for H-2A workers, instead of the wealthy corporations doing so themselves."

Additional information about the case, *Luna v. Del Monte Fresh Produce*, is available at <http://www.splcenter.org/news/item.jsp?aid=304>.

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10. State Dep't Issues Final Rule To Offer Electronic Nonimmigrant Visa Applications

The Department of State has issued a final rule, effective April 29, 2008, to offer a completely electronic application procedure for nonimmigrant visas as an alternative to submission of the Form DS-156.

The Department has developed and introduced an electronic application process for nonimmigrant visas to eventually replace the current application process, which depends on a paper form (the DS-156, and other forms when required, such as the DS-157 and DS-158). The first step in paper reduction efforts was to offer an electronic visa application form (EVAF) as a voluntary alternative way of obtaining and preparing the DS-156. While a nonimmigrant visa applicant could obtain and prepare the DS-156 electronically, he or she was required to sign the DS-156 manually.

On October 1, 2006, the EVAF was made mandatory worldwide wherever possible. Now, although the Department will continue to accept the EVAF where necessary, it plans to eventually eliminate the DS-156 entirely and replace it with the DS-160, an electronic form designed to be completed and signed electronically. The procedure is the same for the nonimmigrant visa applicant except that he or she will not be required to print and sign a form to take to the visa interview. All information entered into the DS-160 will be available to the consular officer at the time of the interview. The applicant is required to "sign" the DS-160 electronically.

The full text of the final rule is available at <http://edocket.access.gpo.gov/2008/E8-9336.htm>.

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11. USCIS Closing Tijuana, Hong Kong Field Offices

U.S. Citizenship and Immigration Services (USCIS) announced on June 18, 2008, that it is closing its Tijuana and Hong Kong field offices.

Details on where applications sent to the Tijuana office will be forwarded and processed are at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=29b534a30f49a110VgnVCM1000004718190aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>.

Details on where applications sent to the Hong Kong office will be forwarded and processed are at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=a70af774c6c9a110VgnVCM1000004718190aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>.

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12. Federal Court Enjoins Oklahoma From Enforcing State Immigration Law

On June 4, 2008, a federal court in Oklahoma City enjoined Oklahoma from enforcing portions of the state's immigration law, H.B. 1804, that were scheduled to take effect July 1. Among them were a requirement that employers use E-Verify to check work authorizations of employees, which is currently voluntary for private employers under federal law. Judge Robin J. Cauthron found that it was "substantially likely" that Oklahoma's law is preempted by federal immigration law. The lawsuit was filed by the U.S. Chamber of Commerce and other groups.

The court noted that:

[W]hile the public clearly has an interest in issues of illegal immigration, and no court should treat the prospect of overturning state law without grave consideration, the Constitution requires that the will of the States must occasionally give way to the need for uniformity among the States, and that uniformity can only be accomplished through congressional action. Thus, for now, the provisions of H.B. 1804 challenged by Plaintiffs must be enjoined until a final determination can be made about the extent to which States can permissibly regulate without interfering with areas reserved exclusively for congressional action. The Court is not deciding that Plaintiffs will ultimately prevail, rather, when the materials before the Court are viewed as the facts and law exist today, it appears that Plaintiffs are likely to prevail and consequently are entitled to a preliminary injunction.

The decision is available at

<http://www.uschamber.com/assets/nclc/henrypreliminjunction.pdf>. For additional details and a history of the case, see http://www.nfib.com/object/IO_37522.html and <http://hr.cch.com/news/employment/062008a.asp>.

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13. State Dept. Releases Information on Employment Second and Third Preference Availability for July

The Department of State's Visa Office has released the following information on employment second and third preference visa number availability for July 2008:

Employment second preference. The Department noted that questions have been raised regarding the way visa numbers have been provided to

China and India in the employment second preference categories beginning in April. Under the Immigration and Nationality Act, if total demand for visas in an employment preference category is insufficient to use all available visa numbers in that category in a calendar quarter, the unused numbers may be made available without regard to the annual per-country limit, the Department noted. For example, if the second preference annual limit were 40,000, number use by "All Other Countries" were estimated to be only 25,000, and the China/India combined number use based on their per-country limits were 6,000, there would be 9,000 numbers unused. Those 9,000 numbers could then be made available to China and India applicants without regard to their per-country limits.

The Department determined that the demand from "All Other Countries" for second preference numbers, plus the quantity of numbers available under the China and India second preference per-country limit, would be insufficient to use all available numbers under the annual limit for this category. Therefore, the unused numbers have been made available to China and India second preference applicants. Because such unused numbers must be made available strictly in priority date order, the China and India applicants have been subject to the same cut-off date as worldwide applicants. As there are more employment second preference applicants from India and the Indian applicants may have earlier priority dates, the Department said it is likely that Indian applicants will receive a larger portion of the available numbers than Chinese applicants.

The employment second preference category is "Current" for all countries except China and India. If at any point it appears to the Department that demand from "All Other Countries" would use all available numbers, an adjustment would be made to the China/India cut-off date. Therefore, providing the unused numbers to China and India "in no way disadvantages applicants from any other country, and helps to insure that the worldwide annual limit can be reached," the Department noted.

Employment third preference. Demand for numbers, primarily by USCIS for adjustment of status cases, has brought the entire employment third preference category to the annual numerical limit by the end of June. As a result, this category will become "unavailable" beginning in July and will remain so for the remainder of fiscal year 2008, the Department said. Such action will be temporary, and employment third preference availability will return to the cut-off dates established for June in October, the first month of the new fiscal year.

The latest Visa Bulletin containing this and other information on priority dates is available at http://travel.state.gov/visa/frvi/bulletin/bulletin_4252.html.

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14. Diversity Visa Lottery Results Announced

The Department of State's Visa Office has reported that the Kentucky Consular Center in Williamsburg, Kentucky, has registered and notified the winners of the DV-2009 diversity lottery. The DV lottery makes available 50,000 permanent resident visas annually to persons from countries with low rates of immigration to the United States. Over 9.1 million people applied for the DV lottery this year. Of that number, approximately 99,600 applicants have been registered and notified and may now make an application for an immigrant visa. Because it is likely that some of the first 50,000 persons registered will not pursue their cases to visa issuance, the Department said this larger figure should ensure that all DV-2009 numbers will be used during fiscal year 2009 (October 1, 2008, to September 30, 2009). Those selected will need to act on their immigrant visa applications quickly. Applicants should follow the instructions in their notification letter and must fully complete the information requested.

The latest Visa Bulletin for July 2008 contains a country-by-country breakdown of those registered for DV-2009, at http://travel.state.gov/visa/frvi/bulletin/bulletin_4252.html.

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New Publications and Items of Interest

New USCIS ombudsman postings:

- Questions & Answers from CIS Ombudsman's Teleconferences - updated 6/16/2008
- N-648 Medical Waivers - How Are They Working For You? - updated 6/11/2008

These items are available at http://www.dhs.gov/xabout/structure/editorial_0482.shtm.

Globalization links. The University of Maryland's Center for International Business Education and Research has posted a number of links to information about globalization, trade, merging economies, and American competitiveness at <http://www.rhsmith.umd.edu/ciber/resources.html>.

DOJ Inspector General report on name check and fingerprint processes. The Department of Justice's Office of the Inspector General has released "The Federal Bureau of Investigation's Security Check Procedures for Immigration Applications and Petitions" (Audit Report 08-24, June 2008). The report notes that the FBI's largest name check and fingerprint identification user is the Department of Homeland Security's U.S. Citizenship and Immigration Services, for use in adjudications of immigration and naturalization benefits. The volume of requests for name checks and fingerprint identification has surged since the terrorist attacks of September 11, 2001. More than 4 million name checks were performed in fiscal year (FY) 2007, and 26 million fingerprint identification requests were made in FY 2007. The Inspector General's audit found that the FBI's name check processes performed under the National Name Check Program (NNCP) are "inefficient and untimely, rely on outdated technology, and provide little assurance that pertinent and derogatory information is being retrieved and transmitted to customer agencies." The Inspector General found, however, that the fingerprint identification process performed under the Integrated Automated Fingerprint Identification System (IAFIS) is generally "accurate and timely" because of enhanced technology, well-trained personnel, efficient tracking mechanisms, and proficient interaction with requesting agencies.

The DOJ Inspector General's report is available at <http://www.usdoj.gov/oig/reports/FBI/a0824/final.pdf>.

DOL Inspector General report on labor certification applications. The Department of Labor's Inspector General issued a semiannual report to Congress on May 31, 2008, recommending that Congress authorize the Department to verify information on labor certification applications. The report stated that "[i]f DOL is to have a meaningful role in the H-1B specialty occupations foreign labor certification process, it must have the statutory authority to ensure the integrity of that process, including the ability to verify the accuracy of information provided on labor condition applications." The Department recommends consideration with USCIS of a legislative proposal that would "require foreign nationals to have their eligibility determined by USCIS before the employer's labor certification application is reviewed by DOL."

The DOL Inspector General's report is available at <http://op.bna.com/dlrcases.nsf/r?Open=gcii-7falst>.

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Recent News from ABIL Members

Charles Kuck (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>) was recently elected President of the American Immigration Lawyers Association (AILA) for the 2008-2009 term. Mr. Kuck is Managing Partner of Kuck Casablanca LLC. He has served on the National Executive Committee of AILA for five years. Previously, Mr. Kuck served in a variety of executive capacities for AILA, notably on the Board of Governors of AILA, Chair of the Atlanta Chapter of AILA, and National Chair of the Young Lawyers Division of AILA. He previously served on various other committees for AILA. Mr. Kuck also is an Adjunct Professor of Law at the University of Georgia School of Law.

Bernard P. Wolfsdorf (bio: <http://www.abil.com/lawyers/lawyers-wolfsdorf.cfm>) was recently elected President-Elect of the American Immigration Lawyers Association (AILA) for the 2008-2009 term. Previously, he was AILA's National Second Vice President. He is the founding partner of the Wolfsdorf Immigration Law Group. He has been a State Bar of California Certified Specialist in Immigration and Nationality Law for over 20 years.

Kehrela Hodkinson (bio: <http://www.abil.com/lawyers/lawyers-hodkinson.cfm>) received a Presidential Award at the American Immigration Lawyers Association's annual conference in Vancouver, British Columbia, for "Outstanding Efforts in Leading the Development of the Rome District Chapter."

Sharon Mehlman (bio: <http://www.abil.com/lawyers/lawyers-mehlman.cfm>) received a Presidential Award at the American Immigration Lawyers Association's annual conference in Vancouver, British Columbia, for "Outstanding Service as Chair of the USCIS Centers Operations Committee (SCOPS) and Her Tireless Efforts in Resolving Service Center Issues."

Several members of the Alliance of Business Immigration Lawyers (ABIL) spoke at the AILA conference (<http://www.aila.org/content/fileviewer.aspx?docid=24313&linkid=173260>):

- Steven Clark, Navigating the New ETA-9089: How Has The Course Changed?
- Steven Garfinkel, Lawyer as Employer (Practice Management Issues)
- H. Ronald Klasko, Dealing With the Eternal Adjustment Applicant

- Charles Kuck, Presidential Installation Speech, discussion leader for Interagency Government Panel, New Attendees Orientation, discussion leader for "Affidavit of Support Game Show."
- Sharon Mehlman, USCIS Open Forum
- Cyrus Mehta, Preserving Permanent Residence
- Angelo Paparelli, PERM Workshop, Investor Seminar: Best Practices in EB-1 and EB-5 Risk Management, ICE Raid Workshop, Part III: Corporate Compliance Progress
- William Reich, Tricky TNs: Hints and Hazards
- Bernard Wolfsdorf, Update on E Investor Visas; Hot Topics

ABIL member bios are posted at <http://www.abil.com/lawyers/lawyers.cfm> and http://www.abil.com/lawyers/abil_global.cfm.

Many ABIL members have been listed in the 2008 edition of the *International Who's Who of Corporate Immigration Lawyers*, which has just been published. Those listed include Francis Chin, Steven A. Clark, Laura J. Danielson, Bryan Funai, Steven Garfinkel, Kehrela Hodkinson, Mark Ivener, H. Ronald Klasko, Charles Kuck, Edward Litwin, Sharon Mehlman, Cyrus Mehta, Angelo Paparelli, Julie Pearl, William Reich, Steve Trow, Bernard Wolfsdorf, and Stephen Yale-Loehr. ABIL member bios are posted at <http://www.abil.com/lawyers/lawyers.cfm> and http://www.abil.com/lawyers/abil_global.cfm.

Angelo A. Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>) recently co-wrote an article with Ted Chiappari that appeared in the June 23, 2008, issue of the *New York Law Journal*. The article examines recent actions by the U.S. Department of Labor, an agency with a key role in administering the immigration laws, restricting the role of lawyers in the employment-based immigration process, including the blanket audit of every labor certification application filed by numerous Fortune 500 companies all represented by the same law firm (Fragomen, Del Rey, Bernsen & Loewy LLP). The article is available by subscription to the *New York Law Journal*, from http://www.lawcatalog.com/product_detail.cfm?productID=1007&setlist=0&return=listview&.

Mr. Paparelli, who is the Alliance of Business Immigration Lawyers president, was quoted on National Public Radio's "Morning Edition" as noting that the presidential candidates' positions on immigration "are as distinct as Tweedledum's from Tweedledee's." He noted, however, that immediate

action on immigration issues is unlikely during a first McCain or Obama term: "Immigration has been described as the third rail of American politics, but more vividly by some as a downed power line that anyone who touches it will be electrified." The full story is available at <http://www.npr.org/templates/story/story.php?storyId=91323073>. The audio is available at <http://www.npr.org/templates/player/mediaPlayer.html?action=1&t=1&islist=false&id=91323073&m=91342907>.

In addition to the AILA Conference, Mr. Paparelli was a speaker or panelist in a variety of presentations in June 2008. He was videotaped in an interview by Mike Bako of Speaking Channel TV, New York; he spoke at the ACIP Annual Symposium in Pentagon City on "New Corporate Organization = New Visa?"; he was a panelist at ABIL's EB-5 teleconference; he was interviewed by Helen Laube of *Financial Times/Germany* on "Immigration and the Presidential Campaign"; and he was a speaker at the ACIP teleconference on "Crimes and Misdemeanors - Their Impact on Your Employees' Immigration Status."

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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/jsps/ptimes.jsp>

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/frvi/bulletin/bulletin_1360.html

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The Alliance of Business Immigration Lawyers (ABIL) is an entity that offers a single point of contact for customer needs, news alerts, staff training and other programs that benefit the client through the collaboration of the 140 member attorneys and their firms. 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' website is:
<http://www.abil.com/>.

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