

November 30, 2009

LAST CALL FOR H-1B'S

Based on the government's most recently released information, it appears there may be only a few thousand H-1B visa numbers left for this fiscal year. If you are considering sponsoring someone for this type of temporary visa, you should file your petition immediately. If you file after H-1B numbers run out, you will have to wait to file until April 1, 2010 for petitions that will allow for employment commencing October 1, 2010.

Because of delays in governmental processing of the labor condition applications (LCA), a critical part of the H-1B petition, the government will now allow employers to file their H-1B petitions without the LCA as long as the employer submits proof that the LCA was filed at least seven days previously. This change is very important for employers who want to increase the likelihood of there being an H-1B visa number available to them before the numbers run out.

PROCESSING E VISAS IN MEXICO

Most of the American consulates in Mexico will now

process E visa renewals for third country nationals who were previously issued their expiring E visas at an American Consulate overseas. This accommodation could result in diminished costs and save time for visa applicants who, along with their family, might have to travel to distant countries such as Japan, to renew their visas.

H-1B SIGHT VISITS INCREASE

Visits by investigators to employers' work sites continue especially in connection with H-1B employment. The investigators ask for proof that the employee is working in the capacity as described in the petition filed with the USCIS, is being paid the correct wage, etc. Often the employee himself is questioned about these and related subjects.

One common problem employers are facing is that some employees, due to difficult economic circumstances, are working less hours. In some instances, employers have reduced the pay to all their workers and the sponsored foreign national's salary was also reduced. If this happens, the employer is required for file an

amended LCA and perhaps an amended petition. Failure to do so could result in the petition approval being revoked.

FOUR PROGRAMS EXTENDED THROUGH 2012

1. The EB-5 Regional Center Program which enables immigrant investors who invest at least \$500,000 in a USCIS approved regional center to qualify for a "green card." This application does not require the foreign national to perform a direct managerial role in the business investment.
2. E-Verify, the internet-based Employment Eligibility Verification System run by USCIS that allows employers to electronically verify the employment eligibility of certain employees.
3. The Conrad 30 J-1 program for foreign doctors
4. The EB-4 Religious Worker Program

If you have any questions about any of these programs, or any of the information contained in this newsletter, please contact us.