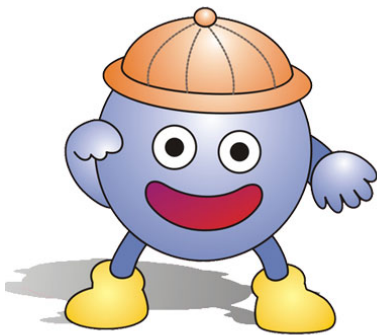




IMMIGRATION LAW REPORT

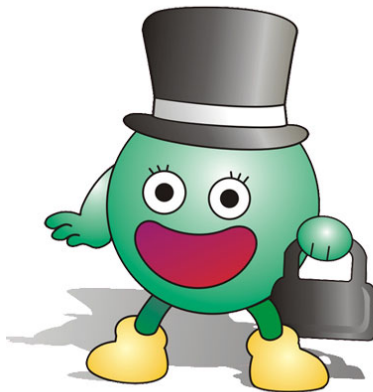
VOLUME TWO NUMBER ONE

January 2005



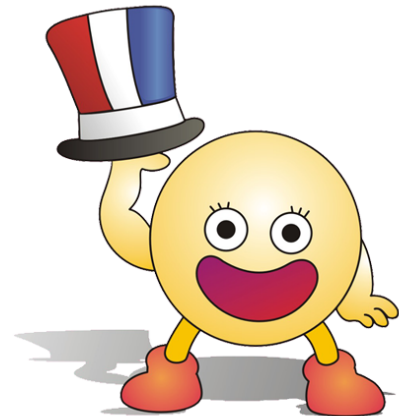
Immi, Jr.

Immi, Jr. will address nonimmigrant issues.



Immi

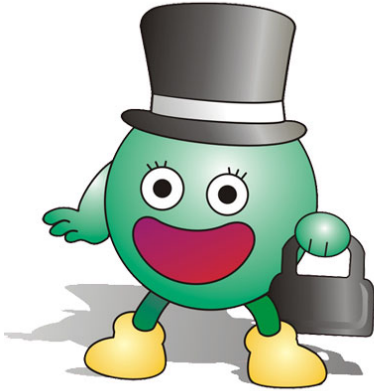
Immi will address immigrant issues.



Citizen Immi

Citizen Immi will address citizenship issues.

IMMEDIATE INFORMATIONAL RELEASES:



Immi says: You must be aware of the new PERM Regulations!!!! They will be published very soon!!!!

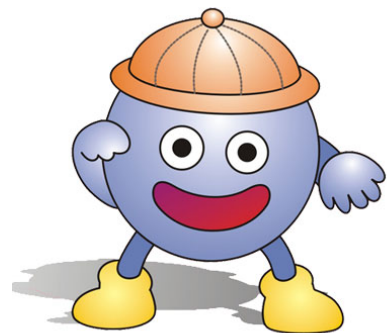
PLEASE READ THE INFORMATION BELOW.

PERM REGULATIONS: NEW LABOR DEPARTMENT SYSTEM FOR PERMANENT LABOR CERTIFICATIONS

The long-anticipated final regulation implementing the new Labor Department system for permanent labor certifications is expected to be published this Monday, December 27, 2004. **The rule will take effect 90 days after publication.**

The PERM regulations will change the current process for the filing of labor certifications. The PERM regulations are meant to streamline the labor certification process and improve the processing times of labor certifications.

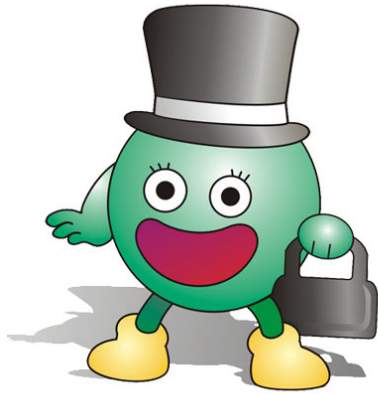
Immi, Jr. says: National Benefits Center now has an address for Federal Express Deliveries!!!!



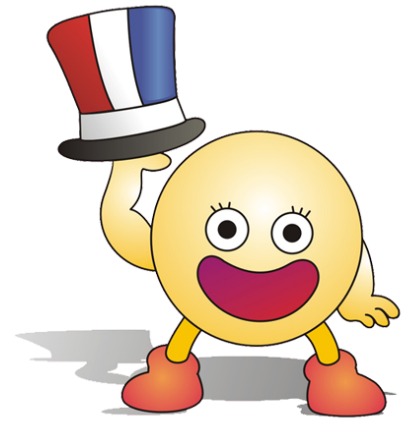
FEDERAL EXPRESS DELIVERY ADDRESS:

The mailing address for Federal Express deliveries made to the Chicago lockbox at the National Benefits Center/Missouri Service Center is:

U.S. Citizenship and Immigration Services, 427 S. LaSalle-3rd Floor, Chicago, IL 60605



*Immi & Citizen Immi
Say: The EB3 Category
for Permanent Resident
Applicants of China,
India, and Philippines
has retrogressed to
January 1, 2002!!!!*



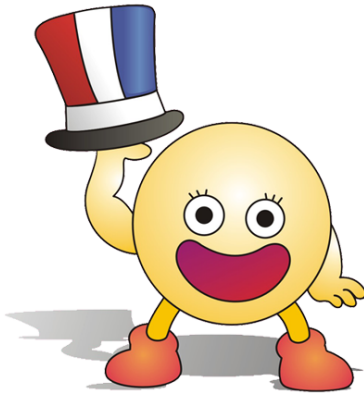
RETROGRESSION IN EB-3 CATEGORY:

The Department of State (“DOS”) recently issued the January 2005 Visa Bulletin. The employment-based third preference (“EB3”) category for permanent residence applicants born in China, India, and the Philippines has regressed to January 1, 2002.

The employment-based permanent residence system limits new permanent residents by annual quotas based upon both country of birth and preference category. When a particular category for a particular country of birth is not over-subscribed, it is said to be “current.” When the demand for a category exceeds the annual number set by Congress in the Immigration and Nationality Act, the Department of State rations permanent visas by fixing a “cut-off date” based upon the “priority date” when a preference petition is filed. The priority date is the date when the local employment service agency received the labor certification application which supports the Form I-140 EB3 petition.

If a Chinese, Indian, or Filipino EB3 employee has a pending Form I-485 adjustment of status application, and has a priority date of January 1, 2002 or later, the USCIS Regional Service Center cannot approve the I-485 application. Instead, the application will be held until the Visa Bulletin reports that the employee's priority date has been reached.

The retrogression affects Chinese, Indian, and Filipino employees who have not yet filed Form I-485 applications because labor certification applications on their behalf are not yet approved. When labor certification is issued, the priority date is again controlling. If the priority date is December 31, 2001 or earlier (because of a slowly-processed labor certification application), the Form I-140 EB3 petition and the Form I-485 application can be concurrently filed. If the priority date is January 1, 2002 or later, only the Form I-140 EB3 petition can be filed. The filing of the Form I-485 application will be delayed until the Visa Bulletin reports that the employee's priority date has been reached.



Citizen Immi says: The USCIS is expanding its program which allows employers to get automated confirmation of a newly hired employee's work authorization!!!!

PILOT PROGRAM EXPANDED TO ALL FIFTY STATES:

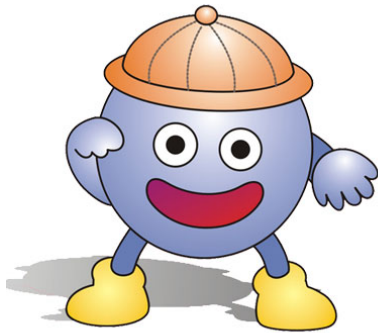
The U.S. Citizenship and Immigration Services (USCIS) currently operates a pilot program (the Basic Pilot Program) which allows employers to get automated confirmation of a newly hired employee's work authorization after an Employment Eligibility Verification form (Form I-9) has been completed. This pilot program is offered to employers in six states. The USCIS has been directed by Congress to expand it to all 50 states and the District of Columbia.

The expansion of the Basic Pilot Program to all 50 States and the District of Columbia is effective December 1, 2004. The Web-Based Access method became available to current and new users beginning July 6, 2004.

All employers must ensure proper completion of the Employment Eligibility Verification form (Form I-9) for each newly hired employee, including U.S. citizens and aliens. Employers who sign up to participate in the Basic Pilot Program complete the Form I-9 verification process as usual, but then enter and submit Form I-9 information through a web-based computer program to the SSA database. If SSA does not have sufficient information to confirm work authorization status, queries are instantaneously sent to USCIS for confirmation.

In most cases, confirmation or nonconfirmation of work authorization is provided within seconds. If more information is required to complete the confirmation process, the employer is asked to have the employee contact SSA or USCIS to provide the needed information. This is the only way an employer can get confirmation from DHS regarding their employees' work authorization. Employers who do not use the Basic Pilot Program continue to use the Form I-9 process alone. The purpose of the Basic Pilot Program is to test this method of providing an effective, nondiscriminatory work eligibility verification procedure focusing on electronic verification.

QUICK INFORMATIONAL BYTES:

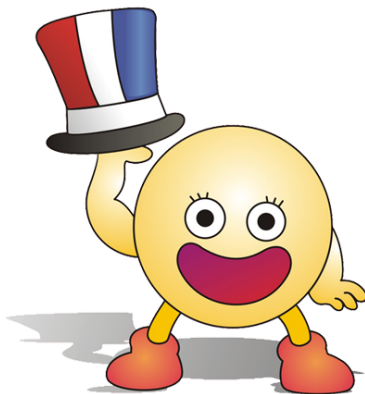
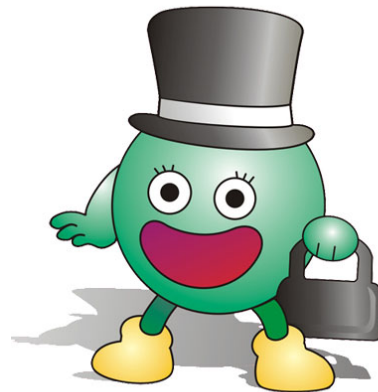


Immi, Jr. says: F-1s who have just graduated, are currently on OPT and who have a Masters degree have the option of applying for an H1B.

SOURCE: TERRENCE L. OLSEN, ESQ., OLSEN LAW FIRM

Immi says: When you have a pending permanent residence application, you must keep your work authorization and travel authorization current.

SOURCE: TERRENCE L. OLSEN, ESQ., OLSEN LAW FIRM



Citizen Immi says: Never send original documents to the USCIS. You should only send copies.

SOURCE: TERRENCE L. OLSEN, ESQ., OLSEN LAW FIRM

QUESTIONS AND ANSWERS:

Explanation: If you have questions concerning immigration related issues or concerns and are of a non-advice and pure general interest nature, please e-mail them to tolsen@tlolaw.com.

IMPORTANT IMMIGRATION RELATED WEB SITES:

<http://uscis.gov/graphics/index.htm>

- US Citizenship and Immigration Services Web Link

<http://www.dol.gov/>

- Dept. of Labor Web Link

<http://www.state.gov/>

- Dept. of State Web Link

<http://www.embassy.org/>

- Embassies in Washington D.C. Web Link

<http://www.aviso.net/government/embassies/>

- Embassies Located Inside and Outside U.S. Web Link

CONTACT INFO:

Please visit: www.tlolaw.com for our web site

Terry Olsen, Attorney, tolsen@tlolaw.com , 423-648-9390 and 423-648-9370 (for Chinese and Taiwanese language assistance)

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