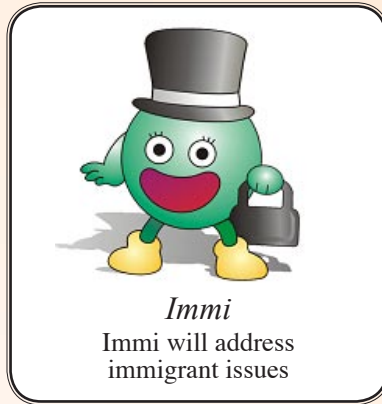


# W The Olsen Law Firm IMMIGRATION WATCH

• VOLUME 5  
• MARCH/APRIL 2008

We welcome you to meet the Immis! They help us simplify the immigration process for you. The Immis are in every issue of our newsletter and act as your personal guides to various immigration topics.



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*Immi, Jr. says:*

Good News!! There is now a 17 month extension of OPT for qualified F-1 nonimmigrant students.

## **17-MONTH EXTENSION OF OPTIONAL PRACTICAL TRAINING FOR CERTAIN HIGHLY SKILLED FOREIGN STUDENTS**

Source: **AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)**

The U.S. Department of Homeland Security released an interim final rule extending the period of Optional Practical Training (OPT) from 12 to 29 months for qualified F-1 non-immigrant students. The extension will be available to F-1 students with a degree in science, technology, engineering, or mathematics who are employed by businesses enrolled in the E-Verify program.

“This rule will enable businesses to attract and retain highly skilled foreign workers, giving U.S. companies a competitive advantage in the world economy,” said Homeland Security Secretary Michael Chertoff. “By extending the training period by an additional 17 months to students who are employed by businesses enrolled in E-Verify, we are further ensuring a legal workforce in the U.S. and aiding good corporate citizens.”

Another aspect of the rule responds to the situation in which an F-1 student’s status and work authorization expires before he or she can begin employment under the H-1B visa program. The interim final rule addresses this problem by automatically extending the period of stay and work authorization for all F-1 students with pending H-1B petitions. The rule will also implement certain programmatic changes, including allowing students to apply for OPT within 60 days of graduation.

To be eligible for an OPT extension, an F-1 non-immigrant student must:

- Currently be participating in a 12-month period of approved post-completion OPT;
- Have successfully completed a degree in science, technology, engineering, or mathematics (STEM) included in the DHS STEM Designated Degree Program List from a college or university certified by the U.S. Immigration and Customs Enforcement’s Student and Exchange Visitor Program;
- Be working for a U.S. employer in a job directly related to

the student’s major area of study;

- Be working for, or accepted employment with, an employer enrolled in U.S. Citizenship and Immigration Services’ E-Verify program. E-Verify is a free, internet-based system operated in partnership with the Social Security Administration that helps employers to determine the employment eligibility of newly hired employees; and
- Properly maintain F-1 status.



***Immi says:***

The USCIS and the FBI have established a series of milestones to eliminate the backlog of FBI name checks.

**USCIS AND FBI RELEASE JOINT PLAN TO ELIMINATE BACKLOG OF FBI NAME CHECKS**

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

*Partnership Establishes Series of Milestones To Complete Checks*

U.S. Citizenship and Immigration Services (USCIS) and the Federal Bureau of Investigation (FBI) announced a joint plan to eliminate the backlog of name checks pending with the FBI.s

USCIS and the FBI established a series of milestones prioritizing work based on the age of the pending name check. The FBI has already eliminated all name check cases pending more than four years.

“This plan of action is the product of a strong partnership between USCIS and the FBI to eliminate the backlogs and to strengthen national security,” said USCIS Director Emilio Gonzalez.

By increasing staff, expanding resources, and applying new business processes, the goal is to complete 98 percent of all name checks within 30 days. USCIS and the FBI intend to resolve the remaining two percent, which represent the most difficult name checks and require additional time to complete, within 90 days or less. The goal is to achieve and sustain these processing times by June 2009.

The joint plan will focus on resolving the oldest pending FBI name checks first. USCIS has also requested that the FBI prioritize resolution of approximately 29,800 pending name checks from naturalization applicants submitted to the FBI before May 2006 where the naturalization applicant was already interviewed. The target milestones for processing name checks are:

Completion Goal	Category
May 2008	Process all name checks pending more than three years.
July 2008	Process all name checks pending more than two years.
Nov. 2008	Process all name checks pending more than one year.
Feb. 2009	Process all name checks pending more than 180 days.
June 2009	Process 98 percent of all name checks within 30 days and process the remaining two percent within 90 days.



## *Citizen Immi says:*

Let's take a look at Naturalization case processing times & intercountry adoptions.

### **USCIS UPDATES PROJECTED NATURALIZATION CASE PROCESSING TIME**

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

*Agency To Complete 36-percent More Naturalization Cases Than Last Year*

U.S. Citizenship and Immigration Services (USCIS) announced that it will finish more than one million naturalization cases during fiscal year 2008 – far exceeding the number of cases completed last year. This update comes following a thorough analysis of the work completed during the last six months.

“By the end of the year, I expect USCIS will have finished 36 percent more naturalization cases than last year without compromising national security or the integrity of the naturalization process,” said USCIS Director Emilio Gonzalez.

The agency recently updated the expected time it will take to complete naturalization cases, projecting processing times averaging 13-15 months. That's a three month improvement from the 16-18 month projection that USCIS made six months ago.

A critical component of the strategy for addressing this workload is to quickly grow the capacity to handle the influx of additional cases. That includes expanding the USCIS workforce by adding nearly 3,000 new employees, detailing employees to work in the most heavily affected offices, quadrupling the funding for overtime and using Asylum Office facilities and staff to conduct naturalization interviews.

Last summer, USCIS received an unprecedented number of applications and petitions for immigration benefits. During June, July and August alone, USCIS received nearly three million filings, compared to 1.8 million filings during the same period the previous year. This sudden surge included 1.4 million naturalization applications last year – 460,000 in July alone. While historically filing increases have occurred in advance of fee increases, Presidential elections, immigration debates and new legislation, none of the past increases are close to the magnitude of the last summer's surge.

### **HAGUE CONVENTION ON INTERCOUNTRY ADOPTION ENTERS INTO FORCE**

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption enters into force in the United States. The provisions of the Hague Convention now govern both incoming and outgoing intercountry adoptions between the United States and other Convention countries. The Hague Convention establishes international norms and procedures for processing intercountry adoption cases involving more than 70 Convention member countries.

It mandates safeguards to protect the interests of children, birth parents, and adoptive parents. It also provides that member nations recognize adoptions that take place within other Convention countries.

As the designated Central Authority for the United States, the Department of State is responsible for ensuring that these new requirements are met for all intercountry adoption cases under the Hague Convention involving a U.S. adoptive parent or child.

Membership in the Convention will change the U.S. intercountry adoption process with respect to other Convention countries in many ways, including:

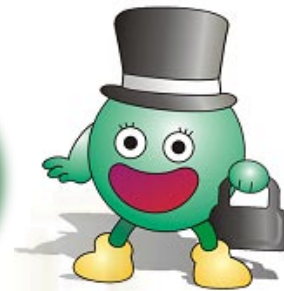
- Establishing federal accreditation of adoption service providers, through accrediting entities designated by the Department.
- Launching the Adoption Tracking Service that the Department will use to track incoming and outgoing cases. For the first time, it will be possible to track the cases of American children who are adopted by citizens of other Hague countries.
- Establishing a Hague Complaint Registry which will track public complaints related to intercountry adoptions.
- Using new Department of Homeland Security petition forms (I-800A and I-800) for “Convention adoptees.”
- Issuing new certificates from consular officers in Hague cases stating that the requirements of the Convention have been met for an adoption or custody declaration completed overseas.
- Issuing a declaration from the Department, for outgoing adoptions or custody declarations under the Hague Convention, documenting that the new requirements have been met.

## QUICK INFORMATION BYTES

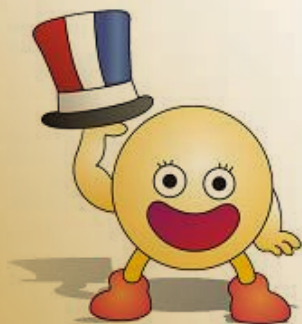


***Immi, Jr. says:*** It is best to keep a personal record of your nonimmigrant statuses.

***Immi says:*** When making a copy of a USCIS document, the USCIS wants a copy to contain both the front and back of the USCIS document.



***Citizen Immi says:*** It is best to make several copies of your naturalization certificate or certificate of citizenship, and to keep the copies in secure areas.



## 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](mailto:tolsen@tlolaw.com)

## IMPORTANT IMMIGRATION RELATED WEB SITES

- US Citizenship and Immigration Services  
<http://www.uscis.gov/portal/site/uscis>
- Department of Labor  
<http://www.dol.gov/>
- Department of State  
<http://www.state.gov/>
- Embassies in Washington D.C.  
<http://www.embassy.org/>
- Visa Bulletin  
[http://travel.state.gov/visa/frvi/bulletin/bulletin\\_1360.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html)



## OLSEN LAW FIRM

Attorney: Terrence L. Olsen, Esq.  
E-mail: [tolsen@tlolaw.com](mailto:tolsen@tlolaw.com)  
Web site: [www.tlolaw.com](http://www.tlolaw.com)  
Phone: (423) 648-9390  
(423) 648-9370 (for Chinese and Taiwanese language assistance)  
Fax: (615) 250-4904

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