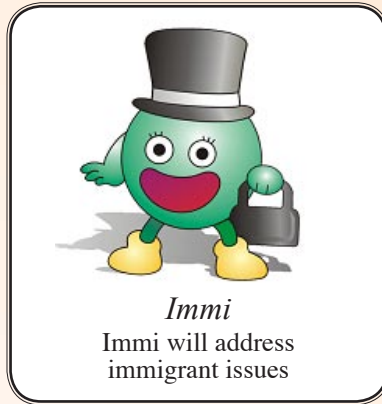


W The Olsen Law Firm IMMIGRATION WATCH

• VOLUME 6
• FEB - JUN 2009

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!! The USCIS will resume
Premium Processing Service for Form I-140 on
June 29, 2009.

**USCIS ANNOUNCES RESUMPTION OF
PREMIUM PROCESSING SERVICE FOR
FORM I-140, IMMIGRANT PETITION
FOR ALIEN WORKER**

Sources: U.S. DEPARTMENT OF HOMELAND SECURITY
AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

USCIS announced that effective June 29, 2009, it will resume Premium Processing Service for Form I-140, Immigrant Petition for Alien Worker, in accordance with 8 CFR 103.2(f)(2).

After an evaluation of its I-140 backlog reduction efforts and increased I-140 adjudicative efficiencies, USCIS has concluded that it is now able to provide Premium Process Service for this benefit.

USCIS will accept Premium Processing requests for Form I-140 Immigrant Petition for Alien Worker, involving EB-1 Aliens with Extraordinary Ability, EB-1 Outstanding Professors and Researchers, EB-2 Members of Professions with Advanced Degrees or Exceptional Ability not seeking a National Interest Waiver, EB-3 Professionals, EB-3 Skilled Workers, and EB-3 Workers other than Skilled Workers and Professionals.

Premium Processing Service is still not available for Form I-140, Immigrant Petition for Alien Worker, involving EB-1 Multinational Executives and Managers and EB-2 Members of Professions with Advanced Degrees or Exceptional Ability seeking a National Interest Waiver.

Under the Premium Processing Service, USCIS guarantees petitioners that, for a \$1,000 processing fee, it will issue either an approval notice, or where appropriate, a notice of intent to deny, a request

for evidence or open an investigation for fraud or misrepresentation, within 15 calendar days of receipt. If the petition is not processed within 15 calendar days, USCIS will refund the \$1,000 fee and continue to process the request as part of the Premium Processing Service. In addition to faster processing, petitioners who participate in the program may use a dedicated phone number and e-mail address to check on the status of their petition or ask any other questions they may have concerning their petition.

Premium Processing Service continues to be available for previously designated classifications within Form I-140 and Form I-129, Petition for Nonimmigrant Worker.



Immi says:

An United States District Court issued an order which allows religious workers to file I-360s concurrently with I-485s.

COURT NOTICE TO PENDING I-360s

APPLICANTS

Ruiz-Diaz v. U.S., No. C07-1881RSL (W.D. Wash.)

Source: U.S. DEPARTMENT OF HOMELAND SECURITY
AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

Introduction

On June 11, 2009, the United States District Court for the Western District of Washington issued an order in *Ruiz-Diaz v. U.S., No. C07-1881RSL (W.D. Wash.)*. The court found that 8 CFR § 245.2(a)(2)(i)(B), which does not allow religious workers to concurrently file an Application to Register Permanent Residence or Adjust Status (Form I-485), was invalid and unenforceable. The court ordered USCIS to accept a properly filed I-485 and I-765 from a beneficiary of a religious worker I-360. The court order also allows individuals whose concurrent filings were previously rejected to reapply for adjustment of status. The order accords a spouse and children of I-360 beneficiaries the same benefits. Below is the court notice regarding the decision and information about the filing of applications for individuals with pending I-360s.

Notice

According to our records, you have a pending Form I-360 religious worker petition with USCIS and may be eligible for benefits under *Ruiz-Diaz v. United States, No. C07-1881RSL (W.D. Wash. June 11, 2009)*.

Persons with pending Form I-360 religious worker petitions are immediately eligible to file a Form I-485 and/or Form I-765. Individuals whose applications are properly filed with appropriate filing fees and supporting documentation with USCIS by September 9, 2009 will have any period of unlawful presence or unauthorized employment tolled until USCIS issues a final administrative decision. **Failure to file prior to September 9, 2009, will result in the accrual of**

unlawful presence or unauthorized employment time.

Persons who want to file an Application to Register Permanent Residence or Adjust Status (Form I-485) and/or an Application for Employment Authorization (Form I-765)¹ must mail the applications, with the required fees, to:

**California Service Center
P.O. Box 10485
Laguna Niguel, CA 92677-1048**

Any person who has a Form I-360 religious worker petition **pending** with USCIS as of June 11, 2009, will have any period of unlawful presence that began accruing as of the date of filing of the I-360 tolled **until September 9, 2009. In addition, any period of unauthorized employment that occurred after filing of the I-360 will be tolled until September 9, 2009.**

Persons who properly file the Form I-485 and Form I-765 applications on or after June 11, 2009 and have their applications received by USCIS **prior to September 9, 2009** also will have the accrual of unlawful presence and unlawful employment tolled until USCIS issues a final administrative decision.

¹ Applicants may also file an Application for Travel Document, Form I-131, as long as they are eligible and properly file the application.



Citizen Immi says:

DHS has granted deferred action for two years to widows and widowers of U.S. citizens as well as their unmarried children under 18 years old—who reside in the United States and who were married for less than two years prior to their spouse's death.

DHS ESTABLISHES INTERIM RELIEF FOR WIDOWS OF U.S. CITIZENS

Source: U.S. DEPARTMENT OF HOMELAND SECURITY
AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

U.S. Department of Homeland Security (DHS) Secretary Janet Napolitano granted deferred action for two years to widows and widowers of U.S. citizens—as well as their unmarried children under 18 years old—who reside in the United States and who were married for less than two years prior to their spouse's death.

“Smart immigration policy balances strong enforcement practices with common-sense, practical solutions to complicated issues,” said Secretary Napolitano. “Granting deferred action to the widows and widowers of U.S. citizens who otherwise would have been denied the right to remain in the United States allows these individuals and their children an opportunity to stay in the country that has become their home while their legal status is resolved.”

Secretary Napolitano also directed U.S. Citizenship and Immigration Services (USCIS) to suspend adjudication of visa petitions and adjustment applications filed for widow(er)s where the sole reason for reassessment of immigration status was the death of a U.S. citizen spouse prior to the second anniversary of the marriage.

Additionally, U.S. Immigration and Customs Enforcement (ICE) will defer initiating or continuing removal proceedings, or executing final orders of removal against qualified widow(er)s and their eligible children. USCIS will also consider favorably requests for humanitarian reinstatement where previously

approved petitions for widow(er)s had been revoked because of the law. DHS will soon issue guidance instructing the public on how to apply for this relief.

These directives apply regardless of whether the citizen filed a petition for the alien spouse before death. Deferred action is generally an act of prosecutorial discretion to suspend removal proceedings against a particular individual or group of individuals for a specific timeframe; it cannot resolve an individual's underlying immigration status. Individuals granted deferred action may apply for work authorization if they can demonstrate economic necessity.

While Secretary Napolitano's directive provides a short-term arrangement for widow(er)s of deceased U.S. citizens, legislation is required to amend the definition of “immediate relatives” in the Immigration and Nationality Act to permit surviving spouses to remain indefinitely after the U.S. citizen spouse dies, enabling them to seek permanent resident status.

QUICK INFORMATION BYTES

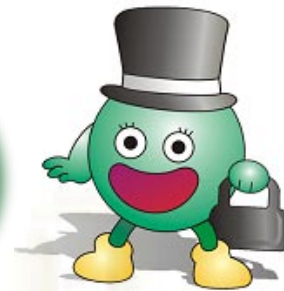


Immi, Jr. says:

It is always best to make sure that you have all pertinent documents handy while you are entering and exiting the Port of Entry.

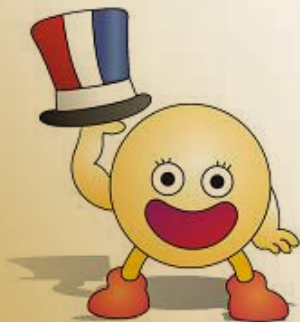
Immi says:

All foreign nationals will be requested for the collection of biometric and biographic data prior to their exit from designated airports.



Citizen Immi says:

It is always best to make sure that you update your Form I-9 with the company HR every time when your immigration status has changed.



IMPORTANT ANNOUNCEMENT

Terrence L. Olsen, Esq. has been selected as and is now the chair of the Tennessee Bar Association's Immigration Law Section for the term of June 2009 through June 2010. This section of the TBA is relatively new and has only been in existence for two years.

The Tennessee Bar Association sections were created to investigate, discuss and evaluate trends and activities, and make recommendations regarding legislation, as well as, further educate its members. Specifically, the immigration law section's purpose is to assist in the formulation, administration, and implementation of programs, forums, and other activities for the education of the members of the TBA, and to seek uniformity and improvements of law by collaborating regarding legislative recommendations.

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

- 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



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