



OLSEN LAW FIRM IMMIGRATION NEWSLETTER

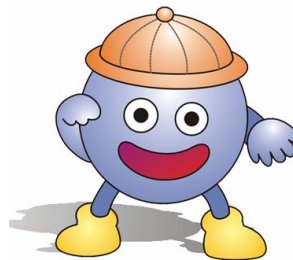
MAY 2006

VOLUME 3

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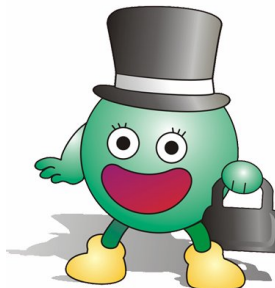
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We welcome you to meet the Immis! They help us simplify the immigration process for you. The Immis are in every issue of our newsletter and act as your personal guides to various immigration topics.



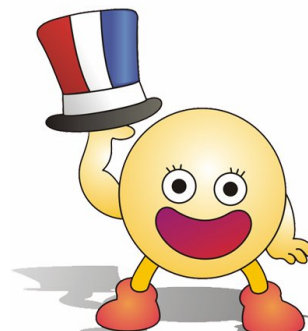
Immi Jr.

Immi Jr. will address nonimmigrant issues



Immi

Immi will address immigrant issues



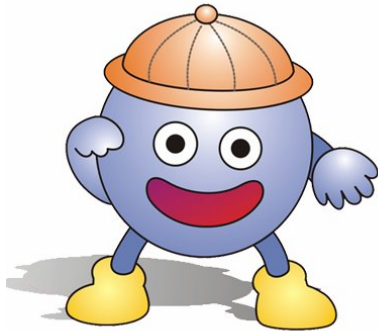
Citizen Immi

Immi will address citizenship issues

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IMMEDIATE INFORMATIONAL RELEASES



Immi, Jr. says: Let's take a look at some updates on H-1B and Visa Bulletin Figures.

UPDATED FY07 H-1B CAP USAGE AND UPDATED VISA BULLETIN MAY, 2006

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

H-1B Advance Degree Exemption

The H-1B Visa Reform Act of 2004, which took effect on May 5, 2005, changed the H-1B filing procedures for FY 2005 and for future fiscal years. The Act also makes available 20,000 new H-1B visas for foreign workers with a master or higher level degree from a U.S. academic institution.

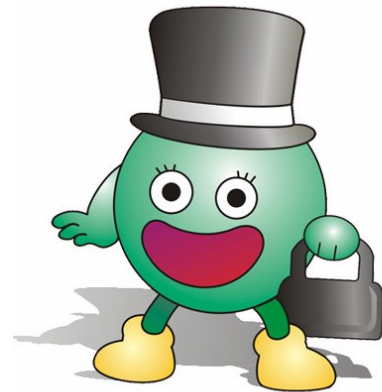
	Cap	Beneficiaries Approved	Beneficiaries Pending	Beneficiary Target ¹	Total	Date of Last Count
H-1B	58,200 ₂	3,907	8,806	61,000	12,713	4/24/2006
H-1B Advance Degree Exemption	20,000	898	1,460	21,000	2,358	4/24/2006
H-1B (FY 06)	58,200	-----	-----	-----	Cap Reached	8/10/2005
H-1B Advance Degree Exemption (FY 06)	20,000	-----	-----	-----	Cap Reached	1/17/2006

VISA BULLETIN MAY, 2006

	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
Employment-Based					
1 st	C	01JUL04	01JUL05	C	C
2 nd	C	01JAN04	01JAN03	C	C

3 rd	01MAY01	01MAY01	01MAR01	15APR01	01MAY01
Schedule A Workers	C	C	C	C	C
Other Workers	01OCT00	01OCT00	01OCT00	01OCT00	01OCT00
4 th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5 th	C	C	C	C	C
Targeted Employment Areas/Regional Centers	C	C	C	C	C

Immi says: Ha, You need to be patient I-129 and I-140 applicants!! It takes a little longer for the receipts to be issued by the USCIS since April because of their large volume of work.



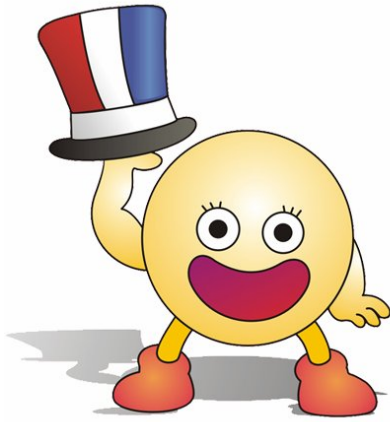
USCIS NOTIFIES EMPLOYERS OF FILING CHANGES

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

Two Service Centers designated to receive all I-129s and I-140s

Washington, DC – Due to an unusually large volume of receipts at the Service Centers during the first week of April, it is taking longer than expected for USCIS to enter cases into the system. Depending on the type of case and service requested, it may take nearly two weeks to generate and mail receipt notices. Once the receipt notice is generated, it may take an additional 2 to 3 days for customers to receive their receipt notices in the mail.

Per existing policies and procedures, USCIS continues to process requests for Premium Processing Service within 15 days. USCIS wishes to assure all customers that the original received date will be honored and recorded on the receipt notice. This date will appear in the "Received Date" box on the "Notice of Action" (Form I-797). The received date is different from the "Notice Date," which also appears on the "Notice of Action." The "Notice Date" is the date the receipt notice was actually generated. USCIS has taken measures to address this situation and expects to be current with its receipting by mid May.



***Citizen Immi says: Good News, Everyone!!
Nebraska Service Center will begin to
process Employment-Based I-485 cases for
which visas are not currently available.***

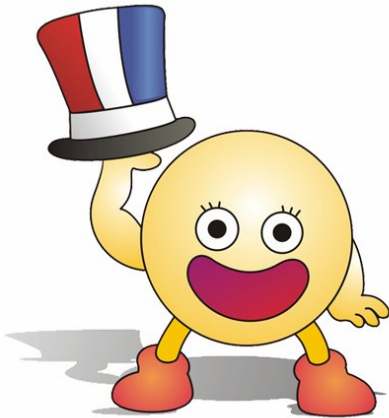
AJUDICATION OF EMPLOYMENT BASED APPLICATIONS FOR ADJUSTMENT

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

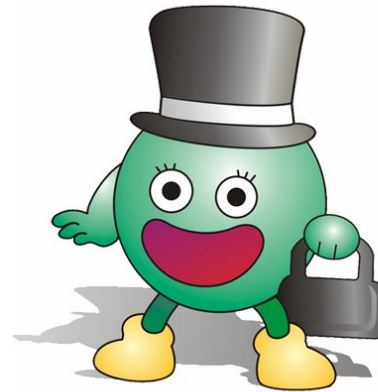
NSC Begins Processing Employment-Based I-485s for Which Visas Are Not Currently Available

In conjunction with Backlog Elimination efforts, on April 12, 2006, the Nebraska Service Center (NSC) will begin to process Employment-Based I-485 (EB485) cases for which visas are not currently available. These retrogressed EB485 cases will be processed in a normal fashion with officers reviewing applications for eligibility and processing the cases to the fullest extent possible up to the visa request stage. Officers may be required to issue a request for evidence (RFE) for some cases. Applicants will be expected to respond to the requests for evidence in a timely, accurate and complete fashion (as they normally do) to continue the processing of the case. Applicants that do not meet eligibility criteria, or do not respond to a request for evidence may be subject to a denial of their case. Applicants that meet eligibility criteria will have their cases forwarded to a visa staging area where the cases will be checked monthly for visa availability.

The intention of this "pre-adjudication" initiative is to prepare eligible cases to the greatest extent possible, short of approval, in anticipation of the availability of a visa. Security checks for these cases will be electronically maintained so it is imperative that applicants respond to both requests for evidence and/or fingerprinting appointments in a timely manner. When an eligible case is identified as having a visa available, the case will then progress through a final phase review and formal visa request to facilitate the final disposition. Please do not conduct inquiries on EB485 cases for which visas have recently become available (within the last 90 days).



***Immis say: Look!!
A newly created
nonimmigrant visa
E-3 for Australia.***



NEW NONIMMIGRANT VISA CLASSIFICATION: E-3

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

The purpose of this memo is to advise U.S. Customs and Border Protection Officers of the new E3 nonimmigrant classification created pursuant to the Australian Free Trade Agreement. The Final Rule was published in the Federal Register on September 2, 2005, and became effective on that date. The E3 classification applies to nationals of Australia who are coming to the United States solely to perform services in a specialty occupation. The E3 classification also applies to the principals' spouses and children.

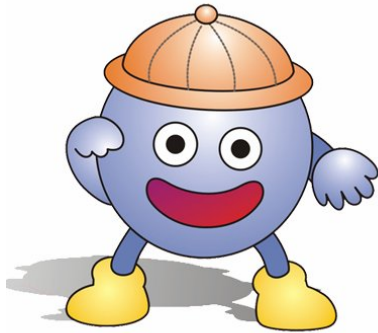
The term "specialty occupation" is defined in the Immigration and Nationality Act (INA) section 214(i)(1). Generally, a specialty occupation is one that cannot be performed without a bachelor's degree or higher (or its equivalent) in a specific field of study or a narrow range of fields of study. The requirements for E3s with respect to the education of the beneficiary and the job duties to be performed mirror the H1B requirements, and are found in Title 8 Code of Federal Regulations (CFR) section 214.2(h). General documentary requirements for H1Bs, and therefore E3s, can be found in 8 CFR section 214.2(h)(4)(iv).

No petition is required to be filed for an E3. The application is made directly at the consulate, similar to other nonimmigrant classifications, such as the B1/B2 or F1 classification. However, a Labor Condition Application that reflects the job offer at the appropriate prevailing wage rate is required as part of the E3 application.

The term of admission for E3s is the same as E1s and E2s, in that the initial period of admission is two years. E3s will receive two-year extensions indefinitely so long as they otherwise continue to qualify for the E3 classification.

Spouses of E3 principals are not required to be Australian nationals, and, pursuant to INA section 214(e)(6), are eligible to apply for work authorization in the United States. Such spousal employment may be in a position other than a specialty occupation. This is an advantage over the H1B: A dependent H4 spouse cannot obtain permission to work while in H4 status.

QUICK INFORMATION BYTES

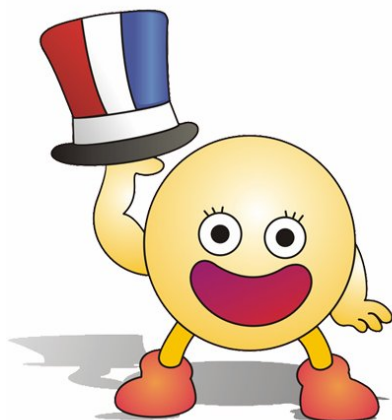
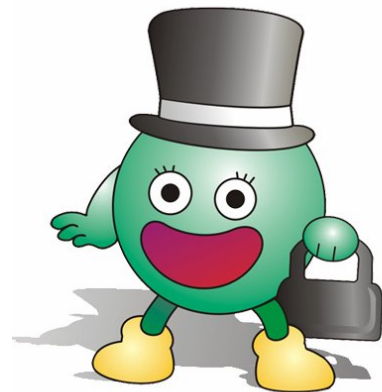


Immi, Jr. says: Always check with your DSO about whether or not you are using your maximum CPT.

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

Immi says: If you are aware that you will be out of the U.S. for more than a year, then you should apply for a re-entry permit before you leave the U.S.

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



Citizen Immi says: Please be aware the USCIS website contains very useful testing tools and programs to prepare for the Citizenship Test.

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 INFORMATION

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

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