



OLSEN LAW FIRM IMMIGRATION NEWSLETTER

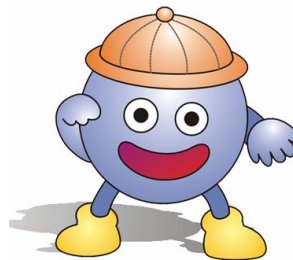
JUNE 2006

VOLUME 3

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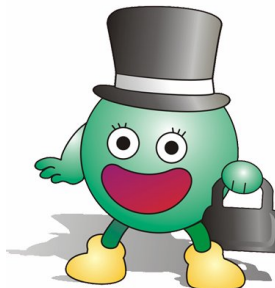
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We welcome you to meet the Immis! They help us simplify the immigration process for you. The Immis are in every issue of our newsletter and act as your personal guides to various immigration topics.



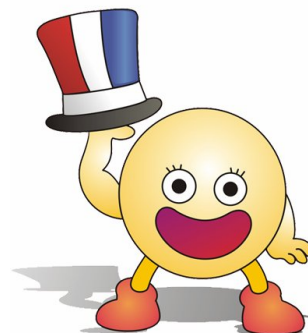
Immi Jr.

Immi Jr. will address nonimmigrant issues



Immi

Immi will address immigrant issues



Citizen Immi

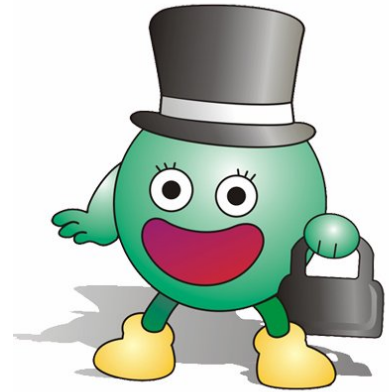
Immi will address citizenship issues

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IMMEDIATE INFORMATIONAL RELEASES

Immi, says: Well, the USCIS announces that the H-1B cap has been reached on May 26, 2006. Let's take a look the chart below.

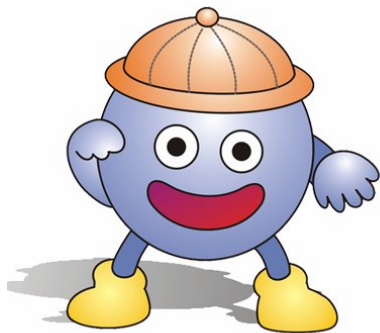


UPDATED FY07 H-1B CAP USAGE

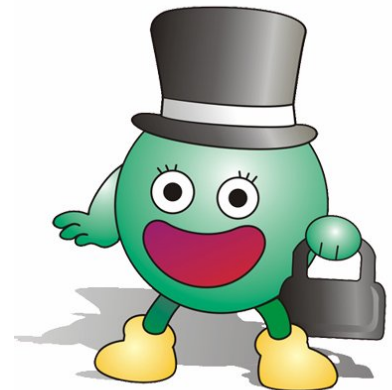
SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

USCIS announces that the H-1B cap was reached as of petitions submitted by May 26, 2006. Petitions received after that date will be returned. Petitions received on that date will be subject to a random selection process.

	Cap	Beneficiaries Approved	Beneficiaries Pending	Beneficiary Target ¹	Total	Date of Last Count
H-1B	58,200 ₂	-----	-----	-----	Cap Reached	5/26/2006
H-1B Advance Degree Exemption	20,000	1,901	4,698	21,000	6,599	6/2/2006
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



Immis say: Check It Out!! The upcoming new categories have been added into the Premium Processing for Employment-Based Petitions.

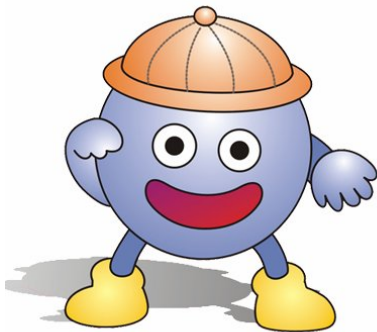


USCIS DESIGNATES NEW CATEGORIES FOR PREMIUM PROCESSING

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

Notice of Designation of Certain Employment-Based Petitions and Applications as Eligible for Premium Processing Service

SUMMARY: This Notice designates the following forms as eligible for Premium Processing Service: Form I-140 "Immigrant Petition for Alien Worker," Form I-539 "Application to Extend/Change Status," and Form I-765 "Application for Employment Authorization." Under Premium Processing Service, U.S. Citizenship and Immigration Services guarantees that it will process designated petitions and applications, and classifications within these petitions and applications that U.S. Citizenship and Immigration Services makes available for the service, within 15 calendar days for an additional processing fee of \$1,000.



Immi, Jr. says: F-1s you need to know that your visas will not be issued until 120 days before the start of studies.

NEW DOS CABLE ON STUDENT VISA PROCESSING

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

SUMMARY: State Department cable on student visa processing provides guidance on filing of student visa applications, including submission of a student visa application more than 120 days before the start of studies where delays in issuance may be anticipated, including delays resulting from SAO requirements.

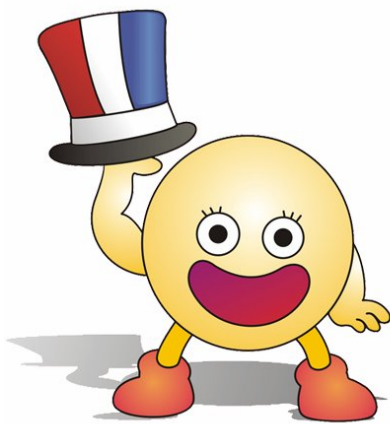
1. At the onset of what promises to be a busy student visa season, we commend consular officers worldwide for your hard work in making sure that all student visa applicants have the opportunity to apply for and, when qualified, receive their visas in a timely manner. Special thanks go to the many consular officers who have been active in outreach and recruitment efforts, either on your own, or in conjunction with educational advisors and others interested in international education in the United States. Your efforts are going a long way towards demonstrating that our country is open to qualified students around the globe. This extra effort on the student visa issue has been favorably noticed both within and outside the Department.
2. Per ref B, consular officers should focus on several areas to ensure that a student visa applicant is qualified. Student visa applicants must demonstrate they are academically qualified to pursue their intended course of study and are financially able to cover its costs. Please remember, however, a U.S. academic institution has already determined that the student is qualified to enroll in school. As a general rule, you should not question the school's judgment. Students should be able to articulate their reasons for entering their field of study and choosing to study at a particular institution in the United States. When examining a student's

intent to depart the United States after a course of study, focus on the applicant's immediate and near-term intent, remembering that by nature foreign students stay in the United States for extended periods of time.

3. Additionally, remember to focus on the student and not the institution during adjudication. The United States offers a wide range of educational opportunities at different levels for a wide variety of students. Student visa applicants should be afforded the opportunity to demonstrate why their choice of institution is right for them, and demonstrate that they will be able to maintain status as a student at that school. Consular officers should not second-guess an individual's choice of school, or deny a visa based solely on the student's choice of a particular academic institution. Posts should, however, bring to the Department's attention institutions they believe are improperly issuing I-20s.

4. Ref A notes prospective students should apply for their visas as early as possible. Recent guidance, Ref. E, extended the period during which student visas may be issued to 120 days before the program start date. In instances where students can anticipate delays in issuance, including delays resulting from SAO requirements, posts may accept applications for adjudication and processing even before this 120-day period, but may not issue the actual visa until 120 days before the start of studies. Although SAO delays for students have declined significantly over the last two years, a small number of cases continue to face extended review. Please follow up with the Department on any cases experiencing a long delay in order to facilitate the timely arrival of the student.

5. CA supports the efforts of posts to make visa interviews available to students on a priority basis and posts should continue to expedite student and exchange visitor visa applications, as necessary. While schools and exchange programs have been urged to make sure that their students are able to apply for visas as early as possible, students are sometimes presented with tight timeframes and must obtain visas on short notice. Efficient processing of visas for students and exchange visitors is a high priority for the Department: every student should have the chance to make the initial start date of his/her academic or exchange program whenever possible. Information for expediting students and exchange visitors visa applications must be easily accessible on post websites.



Citizen Immi says: You need to be aware of the USCIS revisions on medical disability waiver for naturalization test.

USCIS REVISES AFM GUIDANCE ON NATURALIZATION TEST DISABILITY WAIVER

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

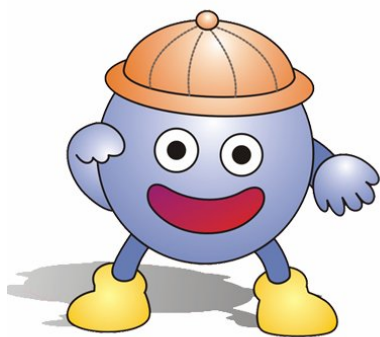
SUMMARY: A May 10, 2006, memorandum and AFM revisions from USCIS Acting Associate Director Michael Aytes provides guidance to adjudicators reviewing N-648 medical disability certifications for naturalization test waivers, including the qualifications of the certifying medical professional and the contents of certification of disability.

1. Purpose

USCIS has detected patterns of fraud and misrepresentation in the submission of Form N-648, Medical Certification for Disability Exceptions. In order to address these concerns and protect the integrity of the naturalization process, USCIS is issuing this memorandum to provide comprehensive and updated policy guidance for the review of Form N-648. This memorandum supersedes the April 7, 1999 Memorandum entitled, “Section 312 Disability Naturalization Adjudications (Policy Memo # 47 and attachments),” and updates the *Adjudicator’s Field Manual (AFM)*.

2. Background

Section 312(b) of the INA provides that the English and Civics requirements “shall not apply to any person who is unable because of **physical or developmental disability or mental impairment** to comply therewith.” Under the regulations at 8 CFR 312.2, a medical professional must establish that the applicant has a “**medically determinable**” physical or developmental disability or mental impairment in order for the applicant to qualify for the disability exception.



Immi, Jr. says: Mexican citizens when you apply for BCC and laser visas, you need to obtain a legal Mexican Federal passport.

DOS FINAL RULE ON DOCUMENTATION TO OBTAIN LASER VISAS

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

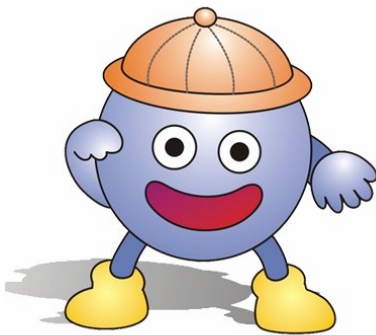
SUMMARY: This rule amends the Department of State's regulations to require the presentation of Mexican Federal passports as a necessary condition for Mexican citizens applying for combined Border Crossing Cards (BCC) and B-1/B-2 visas (laser visas). It also removes the

conditions under which certain beneficiaries of Immigration and Nationality Act 212(d)(3)(A) waivers of ineligibility could receive laser visas.

What Is a Laser Visa?

The biometric border-crossing card (BCC/B-1/B-2 NIV) is a laminated, credit card-style document with many security features. It has a ten-year validity period. The card is commonly called a "laser visa." Most Mexican visitors to the U.S., whether traveling to the border region or beyond, receive a laser visa.

QUICK INFORMATION BYTES

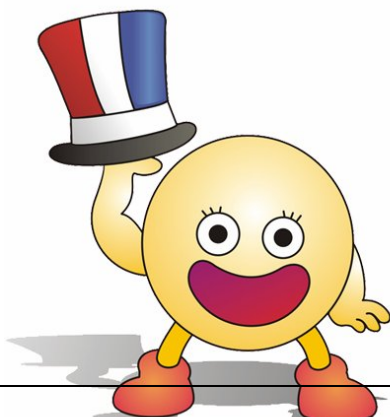
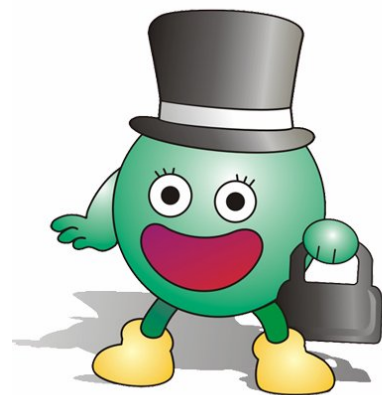


Immi, Jr. says: When traveling outside of the U.S. for summer vacation, a F-1 must remember to carry information regarding the F-1's upcoming academic year in the U.S. when returning to the U.S. after vacation.

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

Immi says: Remember, it is best to carry your green card with you at all times because this is the legal documentation of your valid status in the U.S.

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



Citizen Immi says: Remember that before your citizenship interview will be scheduled the FBI background check must be completed.

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@tloaw.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

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

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