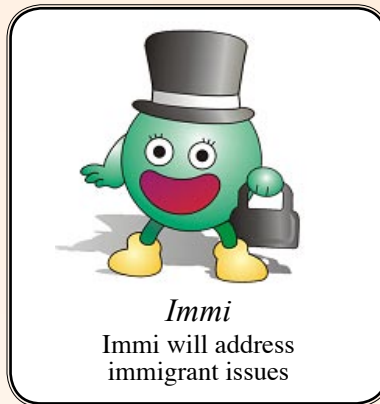


W The Olsen Law Firm IMMIGRATION WATCH

• VOLUME 4
• OCTOBER 2007

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:

The H2B Cap for the First Half of FY 2008 was reached on September 27, 2007.

USCIS REACHES H-2B CAP FOR FIRST HALF OF FY2008

Source: [AMERICAN IMMIGRATION LAWYERS ASSOCIATION \(AILA\)](#)

U.S. Citizenship and Immigration Services (USCIS) announced that it has received a sufficient number of petitions to reach the congressionally mandated H-2B cap for the first half of Fiscal Year 2008 (FY2008). USCIS is hereby notifying the public that September 27, 2007 is the “final receipt date” for new H-2B worker petitions requesting employment start dates prior to April 1, 2008.

The “final receipt date” is the date on which USCIS determines that it has received enough cap-subject petitions to reach the limit of 33,000 H-2B workers for the first six months of FY2008.

Under current law, a “returning worker” who was counted toward the H-2B numerical limit during FY2004, FY2005 or FY2006, was exempt from being counted against the FY2007 H-2B cap. As of today, Congress has not reauthorized or extended the “returning worker” provisions for FY2008. Absent such reauthorization or extension, USCIS must count all petitions requesting H-2B workers for new employment with an employment start date of October 1, 2007 or later toward the FY2008 H-2B cap.

USCIS will apply a computer-generated random selection process to all petitions which are subject to the cap and were received on September 27, 2007. USCIS will use this process to select the number of petitions needed to meet the cap. USCIS will reject, and return the fee, for all cap-subject petitions not randomly selected. USCIS will also reject petitions for new H-2B workers seeking employment start dates

prior to April 1, 2008 that are received after September 27, 2007.

Petitions for workers who are currently in H-2B status do not count towards the congressionally mandated bi-annual H-2B cap. USCIS will continue to process petitions filed to:

- Extend the stay of a current H-2B worker in the United States;
- Change the terms of employment for current H-2B workers and extend their stay; or
- Allow current H-2B workers to change or add employers and extend their stay.



Immi says:

Yeh!! Good News!! No More Backlog.
The U.S. Department of Labor announced that
backlog ends in Permanent Labor
Certification Program.

BACKLOG ENDS IN PERMANENT LABOR CERTIFICATION PROGRAM

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

U.S. Department of Labor Marks On-Time, As-Promised Milestone

The U.S. Department of Labor announced that the permanent foreign labor certification program's backlog has been eliminated, with nearly 99 percent of cases completed and the remainder awaiting responses from employers. For almost three years, more than 300 workers in two processing centers reviewed approximately 363,000 pending labor applications, a backlog created as a result of legislative changes in 1997 and 2000.

"Clearing up the Permanent Labor Certification backlog has been a Presidential Management Agenda priority and the job was completed on-time, as promised," said U.S. Secretary of Labor Elaine L. Chao. "Thousands of people are no longer left waiting and wondering, and the department is moving ahead with reforms to streamline existing foreign worker certification programs."

The Permanent Labor Certification Program processes employer requests for foreign workers when U.S. workers are not available, willing and able to fill job openings. Statutory changes to the Immigration and Nationality Act in 1997 and 2000 led to a dramatic increase in paper applications to this employment-based program. As a result, processing times rose, and applications sometimes languished for several years. Attempts to curb the growing backlog began immediately in 2001 and included regulatory and non-regulatory steps as well as seeking out experts to devise solutions for processing the caseload efficiently.

Those efforts culminated with the November 2004 opening of temporary facilities in Dallas and Philadelphia dedicated solely to eliminating the backlog. From the outset, the department pledged that the backlog would be eliminated by September 30, 2007. Both of the Backlog Elimination Centers have started a transition and shutdown phase that will continue through December.

"We applaud the accomplishments of the dedicated individuals whose critical role allowed the ongoing operation of employment-based immigration programs," said Assistant Secretary for Employment and Training Emily Stover DeRocco. "Their resolve to the mission of seeing the task through to its successful completion is an inspiration to all who serve and do the public's business."

For more information on the department's employment-based foreign labor certification programs, please visit www.foreignlaborcert.doleta.gov.



Immi says:

You need to know, the USCIS launched a new photo-screening tool “E-Verify” that will help employers to detect some forms of identity fraud.

USCIS LAUNCHES PHOTO SCREENING TOOL FOR E-VERIFY PROGRAM

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

Photo tool will help employers detect some forms of identity fraud

U.S. Citizenship and Immigration Services (USCIS) launched a new photo-screening tool that will help employers comply with immigration law while also strengthening worksite enforcement. The photo tool will be the first step in giving employers the tools they need to help detect some forms of identity fraud in the employment eligibility process.

The photo tool is the first enhancement in E-Verify, the agency’s Web-based system that allows participating employers to electronically verify the employment eligibility of newly hired employees. More than 23,000 employers are currently enrolled in the program – with more than 2,000 more joining each month – and will now be able to access the new photo screening tool to more accurately verify a new non-citizen employee’s identity.

“Our current E-Verify system is not fraud-proof and was not designed to detect identity fraud,” said USCIS Director Emilio Gonzalez. “The photo tool enhancement will give employers an additional resource to help verify identity and employment authorization status and is just one more valuable enhancement to an effective, fair and viable program.”

First piloted in March, the photo tool will be available when a new employee presents an Employment Authorization Document (EAD) or Permanent Resident Card (“green card”) to complete the Employment Eligibility Verification Form (I-9). It

allows the employer to compare identical photos – the individual’s photograph on the EAD or green card against the image stored in USCIS’ databases, which contains nearly 15 million images of individual documents. The tool is designed to help an employer determine whether the document presented reasonably relates to the individual presenting it and contains a valid photo.

Employers currently participating in E-Verify will be trained on the system enhancement through a mandatory refresher tutorial that launches automatically on Sept. 17, 2007. New employer who register after that date will learn how to use the photo tool through an updated E-Verify manual, tutorial, and memorandum of understanding.

E-Verify, formerly known as the Basic Pilot employment eligibility verification program, is a free Web-based system that works by electronically comparing new employee information taken from the Form I-9 against more than 425 million records in the Social Security Administration’s database and more than 60 million records in the Department of Homeland Security’s immigration database.



Citizen Immi says:

Oh!! Look!! USCIS announced the new naturalization test questions. The new test will start in October 2008.

USCIS ANNOUNCES NEW NATURALIZATION TEST

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

October 2008 Start Date Gives Applicants One Year to Study

U.S. Citizenship and Immigration Services (USCIS) announced the 100 questions and answers that comprise the civics component of the new naturalization test. USCIS will administer this new test to citizenship applicants beginning in October 2008.

Earlier this year, more than 6,000 citizenship applicants volunteered to take a pilot version of the test at 10 USCIS sites across the country during a four-month period. The 100 new civics items on the new naturalization test were selected after USCIS, a panel of history and government scholars, and English as a Second Language (ESL) teachers conducted a thorough review of the responses to the 142 items on the pilot test.

“We are very proud of this new test, and the open manner that we worked with our stakeholders throughout this entire process,” said USCIS Director Emilio Gonzalez. “Together, we developed a test that will encourage citizenship applicants to learn and identify with the basic civic values that unite us as Americans.” The revised naturalization test will help strengthen assimilation efforts by emphasizing fundamental concepts of American democracy, basic U.S. history, and the rights and responsibilities of citizenship. It will also promote patriotism among prospective citizens.

Following the pilot, USCIS refined the questions and

answers, dropping several and adjusting others to increase clarity, narrowing the list to the new 100 questions. The range of acceptable answers to questions will increase so that applicants may learn more about a topic and select from a wider range of responses. For instance, one of the new questions with a range of correct answers is: “What is one right or freedom from the First Amendment?” The applicant may respond with a variety of possible answers such as speech, religion, assembly, press, and petition the government.

USCIS conducted the pilot during actual citizenship interviews in 10 districts across the country: Albany, NY; Boston, MA; Charleston, SC; Denver, CO; El Paso, TX; Kansas City, MO; Miami, FL; San Antonio, TX; Tucson, AZ; and Yakima, WA. Volunteers who participated in this pilot test achieved a 92.4 percent overall pass rate on the first try. The pass rates by test component were: civics, 93.7 percent; reading, 99.8 percent; and writing, 99 percent.

Following the pilot, USCIS and an expert technical advisory group affiliated with Teachers of English to Speakers of Other Languages (TESOL) reviewed the responses and re-piloted several re-phrased questions at 64 civics and citizenship classroom sites across the country. This secondary review was primarily focused on groups of individuals possessing Low-Beginning to High-Beginning levels of English comprehension to ensure that the average citizenship applicant was able to understand the question and answer items. USCIS has posted the 100 new question and answers, the reading and writing vocabulary lists, a side-by-side comparison of the current and new test, answers to frequently asked questions and other information about the new test online at: <http://www.uscis.gov/newtest>.

QUICK INFORMATION BYTES

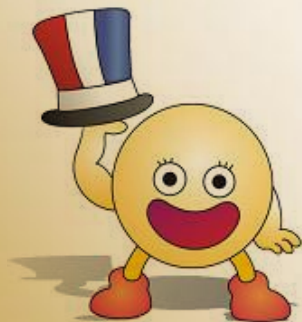


Immi, Jr. says: In order to avoid being without records of your nonimmigrant status, it is always best to have multiple copies of your nonimmigrant documents.

Immi says: If you are a Permanent Resident card holder, each time when you permanently move, now you can easily file the AR-11 online with the USCIS to change your address.



Citizen Immi says: When you apply for Naturalization, you must have a valid permanent resident card.



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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