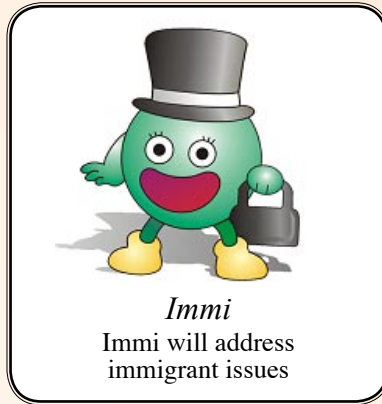


W The Olsen Law Firm IMMIGRATION WATCH

• VOLUME 5
• FEBRUARY 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:

You need to be aware of the first deadline for compliance with REAL ID is December 31, 2009 for all states.

DHS ANNOUNCED A FINAL RULE OF REAL ID

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

The U.S. Department of Homeland Security (DHS) announced a final rule establishing minimum security standards for state-issued drivers' licenses and identification cards. The rule sets uniform standards that enhance the integrity and reliability of drivers' licenses and identification cards, strengthen issuance capabilities, and increase security at drivers' license and identification card production facilities. The final rule also dramatically reduces state implementation costs by roughly 73 percent.

"The American public's desire for greater identity protection is undeniable," said Homeland Security Secretary Michael Chertoff. "Americans understand today that the 9/11 hijackers obtained 30 drivers licenses and ID's, and used 364 aliases. For an extra \$8 per license, REAL ID will give law enforcement and security officials a powerful advantage against falsified documents, and it will bring some peace of mind to citizens wanting to protect their identity from theft by a criminal or illegal alien."

The problems that Americans face from document fraud are diverse and growing. A Public Opinion Strategies poll taken last year shows that more than 80 percent of the American public favors secure identification to prevent terrorism and identity theft. Identity theft has increased by nearly 800 percent from 2000 to 2006, according to the Federal Trade Commission. U.S. Immigration and Customs Enforcement made 863 criminal arrests during various worksite enforcement operations in fiscal year 2007 - more than 500 were charged with crimes relating to federal and state document fraud - and their Identity and Benefit Fraud Units made 1,211 criminal arrests for document fraud related charges. The U.S. Secret Service made 4,348 arrests last year for identity theft or financial fraud crimes, accounting for approximately \$690 million in actual fraud loss to individuals and financial institutions. In a sampling of Secret Service identify theft cases from 2000 to 2006, fraudulent drivers' licenses were used 35 percent of the time.

REAL ID will address document fraud by setting specific requirements that states must adopt for compliance, to include: (1) information and security features that must be incorporated

into each card; (2) proof of the identity and U.S. citizenship or legal status of an applicant; (3) verification of the source documents provided by an applicant; and (4) security standards for the offices that issue licenses and identification cards.

The first deadline for compliance with REAL ID is Dec. 31, 2009. By then, states must upgrade the security of their license systems, to include a check for lawful status of all applicants, to ensure that illegal aliens cannot obtain REAL ID licenses. Some states are expected to be compliant well before that time. Compliance will be needed for access into a federal facility, boarding commercial aircraft, and entering nuclear power plants.

Federal agencies will continue to accept licenses for official purposes from residents of states that comply with the law.

DHS is making approximately \$360 million available to assist states with REAL ID implementation - \$80 million in dedicated REAL ID grants and another \$280 million in general funding as part of the Homeland Security Grant Program.

The 73 percent cost reduction - from an original estimate of \$14.6 billion to approximately \$3.9 billion - was achieved mainly by giving states greater flexibility in issuing licenses to older Americans. Enrollment will be completed for all individuals under 50 years of age by Dec. 1, 2014. For all others, enrollment may be extended three additional years to Dec. 1, 2017. At that time, all state-issued drivers' licenses and identification cards intended for official federal purposes must be REAL ID compliant.

REAL ID was a core 9/11 Commission finding and mandated by Congress in the REAL ID Act of 2005. This final rule follows a Notice of Proposed Rule Making published in the Federal Register on March 9, 2007.

Based on comments received from various stakeholders, DHS drafted the final rule to substantially reduce costs and account for investments that many states have already made to improve the security of their drivers' licenses.



Immi says:

H-1B cap exempt petitioners, make sure you submit your package to the USCIS at the required filing location.

USCIS ANNOUNCES CENTRALIZED FILING LOCATION FOR CERTAIN H-1B CAP EXEMPT PETITIONERS

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

U.S. Citizenship and Immigration Services (USCIS) announced a new customer service initiative to streamline the adjudication of H-1B petitions. Effective today, USCIS will employ a special unit dedicated to processing these types of H-1B cap exempt petitions at the USCIS California Service Center (CSC). Aliens employed by certain types of educational, nonprofit or governmental organizations, as defined below (normally referred to as “cap exempt,” aliens employed by such entities are not subject to the H-1B numerical limitations). See section 214(g)(5)(a) and (b) of the Immigration and Nationality Act (INA); and 8 CFR 214.2 (h)(8)(A).

H-1B “cap exempt” petitions, as referenced here, include petitions filed by:

- Institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a);
- Nonprofit organizations or entities related to or affiliated with institutions of higher education; and
- Nonprofit research organizations or governmental research organizations, as defined in 8 CFR 214.2(h)(19)(iii)(C).

Such institutions and organizations can indicate that their H-1B filing is cap exempt by marking Form I-129 (Petition of Non-Immigrant Worker) with a “yes” answer to questions 1, 2, or 3 in Part C of the H-1B Data Collection and Filing Fee Exemption Supplement (page 10). H-1B petitioners are now encouraged to use the following special mailing address for qualifying H-1B cap exempt petitions. To determine if your petition qualifies, please make sure your institution or

organization fits one of the categories listed above.

For Direct Mail:

U. S. Citizenship and Immigration Services
California Service Center
ATTN: CAP EXEMPT H-1B Processing Unit
P.O. BOX 30040
Laguna Niguel, CA 92607-3004

For non-United States Postal Service (USPS) deliveries (e.g. private couriers):

U. S. Citizenship and Immigration Services
California Service Center
ATTN: CAP EXEMPT H-1B Processing Unit
24000 Avila Road, Room 2312
Laguna Niguel, CA 92677

Each H-1B petitioner is encouraged to mark the outside of the envelope and the top margin of the I-129 form, with “EXEMPT.” This will ensure quick identification of the H-1B filing throughout the petition’s processing at CSC.

If a cap exempt H-1B petition is received at a different Service Center, that Service Center will expeditiously forward the petition to the CSC for processing. In the near future, USCIS will post special filing instructions to Form I-129 requiring all qualifying H-1B cap exempt petitions to be filed at the CSC.

Please note, the highest volume of H-1B filings occurs during the month of April (Six months before the new fiscal year). This may result in longer than average receipting times or other interruptions in processing times. The public is reminded that petitioners may file a qualifying H-1B cap exempt petition at any time of the year dependent on the petitioner’s need, and no earlier than six months ahead of the intended start date.



Citizen Immi says:

For every U.S citizen, it is very important that you carry all required documents to show your citizenship at land or sea ports of entry.

IMPORTANT CHANGE IN INTERNATIONAL LAND AND SEA TRAVEL DOCUMENT PROCEDURES

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

The U.S. Department of Homeland Security (DHS) reminded the traveling public that U.S. and Canadian citizens ages 19 and older should no longer expect that they will be able to prove identity and citizenship by relying on an oral declaration alone. Instead, travelers will be asked to present documents from one of the options below when entering the United States at land or sea ports of entry. Travelers who do not present one of the documents listed below may be delayed as U.S. Customs and Border Protection officers attempt to verify their identity and citizenship.

U.S. and Canadian Citizens – Single Document Option:

One of the following documents should be presented to prove both identity and citizenship, as of Jan. 31, 2008:

- U.S. or Canadian Passport
- U.S. Passport Card (Available spring 2008)*
- Trusted Traveler Cards (NEXUS, SENTRI, or FAST)*
- State or Provincial Issued Enhanced Driver's License (when available – this secure driver's license will denote identity and citizenship)*
- Enhanced Tribal Cards (when available)*
- U.S. Military Identification with Military Travel Orders
- U.S. Merchant Mariner Document
- Native American Tribal Photo Identification Card
- Form I-872 American Indian Card
- Indian and Northern Affairs Canada Card

* Frequent Land Border Crossers – To expedite processing into the United States, U.S. Customs and Border Protection recommends using one of the above asterisked documents.

U.S. and Canadian Citizens – Two Document Option:

All U.S. and Canadian citizens who do not have one of the documents from the list above must present both an identification and citizenship document from each of the lists below.

Identification Documents*

- Driver's license or identification card issued by a federal, state, provincial, county, territory or municipal authority

- U.S. or Canadian military identification card
- * All identification documents must have a photo, name, and date of birth.

Citizenship Documents

- U.S., or Canadian birth certificate issued by a federal, state, provincial, county, territory, or municipal authority
- U.S. Consular report of birth abroad
- U.S. Certificate of Naturalization
- U.S. Certificate of Citizenship
- U.S. Citizen Identification Card
- Canadian Citizenship Card
- Canadian certificate of citizenship without photo

U.S. and Canadian Citizens – Procedures for Children

Also, effective on Jan. 31, 2008, U.S. and Canadian citizen children ages 18 and under will be expected to present a birth certificate issued by a federal, state, provincial, county, or municipal authority.

For Travelers other than U.S. and Canadian Citizens

All existing nonimmigrant visa and passport requirements will remain in effect and will not be altered by the changes that are implemented on Jan. 31, 2008. U.S. lawful permanent residents will be required to present a Permanent Resident Card (I-551) or other valid evidence of lawful permanent residence. Mexican citizens, including children, must present a valid passport and a B-1/B-2 nonimmigrant visa or a Border Crossing Card.

Know Your Destination – Country Document Requirements

It is strongly recommended that all travelers leaving the U.S. verify the specific documentary requirements for their destination country. This information is available through www.travel.state.gov, or by consulting with the Embassy of the country you are visiting.

U.S. Customs and Border Protection will begin the transition to the Western Hemisphere Travel Initiative secure document requirement over the next 18 months, with implementation as early as June 1, 2009.

QUICK INFORMATION BYTES

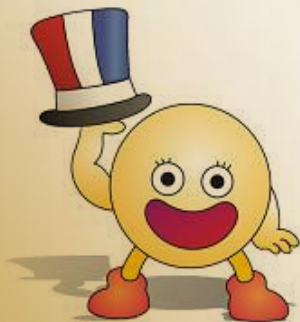


Immi, Jr. says: For visitors of the visa waiver program, it is best to remember that you should be given an entry/exit card when entering the U.S.

Immi says: For permanent resident card holders, it is best to understand the requirements for naturalization if later in your life you choose to proceed with the naturalization process.



Citizen Immi says: Before you proceed with the naturalization process, it is best to determine how your home country will react to your becoming a citizen of the U.S.



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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