

Miscellaneous Immigration “News”

Lea M. Webb 10/17/2008

- 10/16/2008 - seven countries -- the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia, and South Korea -- have met the requirements to be admitted to the United States Visa Waiver Program. “Soon the citizens of these nations will be able to travel to the United States for business or tourism without a visa.”

“News” cont.

- 2-year EADs issued beginning this year, but only for:
 - adjustment applications
 - with priority dates that are not current.
(retrogressed)

- Optional Practical Training (OPT) from 12 to 29 months for qualified F-1 non-immigrant students.
 - The extension is available to F-1 students with a degree in science, technology, engineering, or mathematics
 - (STEM) who are employed by businesses enrolled in the E-Verify program.
 - Must currently be participating in OPT and must have at least BA.
 - Must be working in job related to student's major and the company has to be registered and in good standing with E verify.
 - There are reporting requirements – employers must report w/i 48 hours to the student's school if the employment ends during the OPT. The interim rule resolves the gap/cap problem for those who are getting H1bs, providing that the alien has applied for a change of status.

“News” cont.

- automatic extension of the period of stay and work authorization for all F-1 students with pending H-1B petitions.
- Students can apply for OPT within 60 days of graduation

“news” cont.

- I-140s – Premium processing available in few cases
 - H1bs who are nearing their 6th year.
 - Must prove that in the 6th year and that it will be reached w/i 60 days and that they are eligible for AC21, and ineligible to extend under AC21.

“news” cont.

- May 30 memo on AC21 – does several things –
- If labor cert is expired, then H1B cannot be extended.
- Section 104c- quota backlogs is in reference to the time of filing I129 not at time of adjudication.
- Cap exempt H1Bs can accept concurrent employment that is not cap exempt.