

JANUARY 2008

The law firm of **Klasko, Rulon, Stock & Seltzer, LLP** is pleased to present our *January 2008* newsletter covering immigration topics that are of interest to our clients.

Headlines:

- **1. DOS Expands Fingerprinting and Name Checks** – DOS has begun performing fingerprint and name checks on all visa applicants except those falling within a narrow range of exceptions.
- **2. Fees Raised for Nonimmigrant MRVs, BCCs, and Immigrant Visas** – DOS is raising fees in light of increased security measures and fee collection mandates for the FBI's visa background checks.
- **3. India Second Preference Cut-Off Date Becomes "Unavailable"** – Because of continued very heavy applicant demand, the India employment-based second preference cut-off date became "unavailable" on January 16, 2008.
- **4. DOS Issues Final Rule on Exchange Visitor Program Sanctions, Terminations** – DOS will adopt as final its proposed rule on exchange visitor program sanctions and terminations.
- **5. DOS to Begin Issuing Passport Cards for Cross-Border Travel** – A final rule provides for a card-format passport as a less expensive and more portable alternative to the passport book.
- **6. Oral Declarations of Citizenship No Longer Sufficient At Land, Sea POEs** – Citizens of the United States, Canada, and Bermuda entering the United States at land or sea ports-of-entry will be expected to present documents proving citizenship and identity.
- **7. Revised I-9 Verification Forms Now Required** – Employers should have transitioned to using the revised Employment Eligibility Verification Form (I-9).
- **8. DHS Publishes Semiannual Regulatory Agenda** – Targets for March 2008 include SEVIS/SEVP fee increases and changes to the timeframes to file approved labor certifications in support of I-140s.
- **9. Rhetoric on Support for Science Doesn't Match Reality of Appropriations** – The appropriations bill signed into law in December included meager funding for advances in scientific research, rather than the more substantial increases that had been expected.
- **10. Around the States: Illinois, Arizona, REAL ID/WHTI Update** – In the void created by Congress's lack of action on comprehensive immigration reform, states are not sitting idly by.
- **11. New Publications and Items of Interest**
- **12. Klasko News** – Webinar, upcoming and recent speaking engagements, publications, and more.
- **13. Government Agency Links**

1. Department of State Expands Fingerprinting and Name Checks

The Department of State (DOS) has issued a final rule expanding documentation of nonimmigrants entering the United States. Specifically, DOS has begun performing fingerprint and name checks on *all* visa applicants except those under the age of 14 or over the age of 79, as well as certain diplomats and officials. On January 1, 2008, the cost of such checks became included in increased visa fees.

The final rule is available at

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-25417.pdf>.

2. Fees Raised for Nonimmigrant MRVs, BCCs, and Immigrant Visas

The Department of State (DOS) published an interim final rule, effective January 1, 2008, that raises from \$100 to \$131 the fee charged to process an application for a nonimmigrant machine-readable visa (MRV) and Border Crossing Card (BCC). Applicants who paid the prior \$100 application fee before January 1 will be processed only if they are scheduled and appear for a visa interview on or before January 31. Applicants who paid the prior \$100 application fee and appear for visa interviews after January 31, 2008, must pay the difference (\$31) before they will be interviewed. The rule also increases the immigrant visa fee by \$20, to \$355.

DOS is adjusting the fees "as an emergency measure to ensure that sufficient resources are available to meet the costs of processing nonimmigrant and immigrant visas in light of increased security measures put in place since 2004 and fee collection mandates on behalf of the Federal Bureau of Investigation." The primary reason for increasing DOS visa fees is to pay "fees to the FBI for checking the fingerprints against the FBI's Integrated Automated Fingerprint Identification System (IAFIS) and for running visa applicant names through Security Advisory Opinion (SAO) processes."

The estimated total increase in cost for nonimmigrant visa applicants is \$310 million (\$31 per applicant, with an estimated 10,000,000 applicants). The estimated total increase in cost for immigrant visa applicants is \$14 million (\$20 per applicant, with an estimated 700,000 applicants).

The full text of the interim final rule is available at

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-24646.pdf>.

DOS's related notice is available at <http://www.state.gov/r/pa/prs/ps/2007/dec/97384.htm>.

3. India Second Preference Cut-Off Date Becomes "Unavailable"

On January 16, 2008, the Department of State (DOS) announced that, because of continued very heavy demand for numbers by U.S. Citizenship and Immigration Services for adjustment of status cases, the annual limit for this category has been reached and the category has become "unavailable" for the remainder of fiscal year 2008.

The February 2008 Visa Bulletin is available at http://travel.state.gov/visa/frvi/bulletin/bulletin_3925.html.

4. Department of State Issues Final Rule on Exchange Visitor Program Sanctions, Terminations

Effective January 22, 2008, the Department of State (DOS) will adopt as final, with "minor edits," its proposed rule on exchange visitor program sanctions and terminations as published on May 31, 2007.

The final rule includes two new grounds for sanctions or terminations: actions that may compromise national security or undermine U.S. foreign policy objectives. DOS also eliminated the requirement that it find alleged violations to be willful or negligent before imposing sanctions. "Since knowledge and ability to comply and remain in full compliance with the regulations are fundamental requirements of sponsor designation, it is essentially irrelevant whether a sponsor violates regulations willfully, negligently, or even inadvertently," stated DOS. "Violations, whether or not willful or negligent, may harm the national security or the public diplomacy goals of the United States, or pose a threat to the health, safety or welfare of program participants, and the Department must have the capacity to respond appropriately." DOS noted, however, that the process pursuant to the revised regulation "provides that a sponsor being sanctioned may submit a statement in opposition to or mitigation of the proposed sanction."

The supplementary information to the final rule, which was published on December 20, 2007, and is available at <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-24650.pdf>, includes a number of comments received on the proposed rule, along with DOS's responses.

5. Department of State to Begin Issuing Passport Cards for Cross-Border Travel

To be "responsive to the needs and concerns of the border communities and to facilitate the travel of border community residents," the Department of State (DOS) has finalized a proposed rule issued in October 2006 providing for a card-format passport as a less expensive and more portable alternative to the passport book.

The final rule explains that the passport card does not need to be signed to be valid, whereas the passport book requires a signature to be valid. In addition, it clarifies that those requesting and eligible for a no-fee passport will receive a passport in book form only.

To ensure compatibility and interoperability with the Department of Homeland Security's (DHS) border management system, and to secure "significant travel facilitation advantages," DOS said it will produce the passport card using vicinity radio frequency identification (RFID) technology. "The operational concept that this rule promulgates should enable information about a border crosser to be queued while they are awaiting their interviews with the border officers, rather than waiting until they are face-to-face with the officer to provide their personal information." DOS added that this approach "is designed to substantially reduce wait times at the border, which was the key driver in development of the WHTI [Western Hemisphere Travel Initiative] passport card business case."

DOS said it received over 4,000 comments regarding the proposed rule. Among those submitting comments were four members of Congress; the governments of Canada and two of its provinces (Manitoba and New Brunswick); a Native American government (Haudenosaunee Confederation, New York); and dozens of city, county, and municipal governments. Also represented were the U.S. Postal Service, the Air Transport Association, over two dozen technology companies and privacy interest groups, five tourism interest groups, and three offshore drilling concerns.

All four members of Congress, as well as technology, security, and privacy groups, said they were concerned about the choice of "vicinity read" RFID technology for the passport card. The opinion expressed by many commenters was that vicinity read technology is not as secure as the proximity read technology currently used in the U.S. e-Passport because it could result in the unauthorized reading of information that could lead to identity theft and tracking of U.S. citizens by terrorists or the government. They also questioned whether vicinity read technology would necessarily improve border crossing times.

DOS responded that the vast majority of such comments "reflected an improper understanding of the business model that WHTI is designed to meet and how the technology selected would actually be implemented." Vicinity-read RFID technology "should allow CBP [Customs and Border Protection] officers to quickly obtain information about the border crosser and perform terrorist watch list checks while they are still awaiting a personal inspection and to read multiple cards simultaneously."

It further explained that the vicinity read RFID electronic chip contains only one item of information: a unique identifying number that has meaning only inside the secure CBP computer system. No other form of personally identifiable information, such as name, date of birth, Social Security number, or place of birth, will be stored electronically on the passport card or transmitted through RFID. All personal information will be contained in DHS systems and will be accessible only by authorized personnel through secure networks. Upon receipt of the passport card number, the border crosser's personal information will be downloaded from the CBP system and provided to the CBP officer. The CBP officer will then interview the individual, verify his or her identity, and determine the appropriate action to take.

All card holders will also be issued a protective sleeve for the card, which prevents transmission of the card's unique identifying number. Additionally, use of the passport card is not mandatory. Border crossers who would prefer to use traditional passports may continue to do so, said DOS.

The final rule is available at

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-25422.pdf>.

6. Oral Declarations of Citizenship No Longer Sufficient at Land, Sea POEs

Citizens of the United States, Canada, and Bermuda entering the United States at land or sea ports-of-entry (POEs) must establish their identity and citizenship to the satisfaction of a U.S. Customs and Border Protection (CBP) officer. Under current CBP procedures, such individuals may provide any proof of identity and citizenship. Although most individuals provide documentary evidence of citizenship, such as a passport or birth certificate, individuals currently may be admitted on an oral declaration, depending on the circumstances. Effective January 31, 2008, however, all travelers must present documents proving citizenship (such as a birth certificate), and government-issued documents proving identity (such as a driver's license), when entering the United States through land and sea POEs. CBP retains its authority to request additional documentation when warranted and to make appropriate individual exceptions.

For more on the new requirements, see http://travel.state.gov/travel/cbpmc/cbpmc_2223.html.

7. Revised I-9 Verification Forms Now Required

U.S. Citizenship and Immigration Services (USCIS) reminded employers that they should have transitioned to using the revised Employment Eligibility Verification Form (I-9). The revised I-9, which includes the revision date "(Rev. 06/05/07)N" printed on the lower right corner of the form, is now the only version valid for use. Effective December 26, 2007, employers who fail to use the revised form are subject to applicable penalties.

The revised form is available at <http://www.uscis.gov/files/form/i-9.pdf>, and accompanying instructions are at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=31b3ab0a43b5d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>. The "Handbook for Employers, Instructions for Completing the Form I-9" is available at <http://www.uscis.gov/files/natedocuments/m-274.pdf>. The reminder is available at <http://www.uscis.gov/files/pressrelease/FormI9Reminder112307.pdf>.

8. DHS Publishes Semiannual Regulatory Agenda

The Department of Homeland Security (DHS) has published its semiannual regulatory agenda, which is a summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of DHS.

Among the upcoming actions, the DHS and the Department of Labor's DOL) Employment and Training Administration plan to propose changes "to reduce the incentives and opportunities for fraud and abuse related to the permanent employment of aliens in the United States." DHS is considering the elimination of the substitution of beneficiaries on permanent labor certifications, among other options. In addition, DHS is proposing to reduce further the likelihood of the submission of "malafide" Forms I-140, Immigration Petitions for Alien Worker, which it defines as employment-based petitions "that are supported by fraudulent or stale labor certification applications," by proposing a 45-day period for employers to file approved permanent labor certifications in support of I-140 petitions with DHS. The notice of proposed rulemaking is targeted for publication in March 2008.

Also targeted for publication in March 2008 is a notice of proposed rulemaking that will modify DHS regulations governing the established Student and Exchange Visitor Information System (SEVIS) I-901 and the Student and Exchange Visitor Program (SEVP) certification fees to defray actual costs of related SEVP operating expenses. The proposed rule also would establish a fee to defray SEVP operating expenses related to oversight and recertification of SEVP-certified schools.

Portions of DHS's semiannual regulatory agenda are available at <http://a257.g.akamaitech.net/7/257/2422/10dec20070800/edocket.access.gpo.gov/ua071210/pdf/ua071008.pdf>. The federal government is moving agencies' full regulatory agendas online. For more information on the full regulatory agendas, see <http://www.reginfo.gov/public/do/eAgendaMain>.

9. Rhetoric on Support for Science Doesn't Match Reality of Appropriations

"Riding the Rising Tide: A 21st Century Strategy for U.S. Competitiveness and Prosperity," a report by the Alliance for Science & Technology Research in America (ASTRA) released in December 2007 shortly before appropriations bill (H.R. 2764) was signed into law, provided a 14-point action program on attracting top scientists, engineers and researchers to the United States. ASTRA recommended among other things, that the United States develop "a national strategic plan for recruiting top international students, scientists, engineers and technologists, and evaluat[e] the U.S. immigration system to remove barriers to these talented individuals migrating to the U.S." This approach, ASTRA said, "should include incentives to attract leading foreign-born scientists, engineers, and technologists, including public funding for their research if they migrate to and carry out that research in the United States."

However, the appropriations bill signed into law by President Bush on December 26, 2007, included what some observers are calling meager funding for advances in scientific research rather than the more substantial increases that had been expected.

The White House had promoted the "America Creating Opportunities To Meaningfully Promote Excellence In Technology, Education, And Science Act (America COMPETES)" Act, signed into law in August 2007, as, among other things, a comprehensive strategy to "attract[] the world's best and brightest workers." The new appropriations package, however, "makes moot the double-digit hikes authorized for research, education and training, and investment in innovation spelled out" in America COMPETES, said the American Association for the Advancement of Science (AAAS).

The ASTRA report is available at <http://www.aboutastra.org/pdf/ASTRARisingTide121107.pdf>. An ASTRA statement about the appropriations legislation is available at http://www.aboutastra.org/latest_news/12-18-2007_funding.asp. AAAS's statement is available at <http://sciencenow.sciencemag.org/cgi/content/full/2007/1218/1>.

10. Around the States: Illinois, Arizona, REAL ID/WHTI Update

In the void created by Congress's lack of action on comprehensive immigration reform, states are not sitting idly by. Following is an update on key developments around the nation.

Illinois. In September, the Department of Homeland Security (DHS) filed a lawsuit in federal court to declare invalid an Illinois statute, the "Right to Privacy in the Workplace Act," that effectively forbids Illinois employers from enrolling in DHS's E-Verify (employment authorization verification) system. According to DHS, the statute was to become effective on January 1, 2008. In papers filed with the court on December 13, 2007, however, the state agreed not to enforce the new law until DHS's lawsuit against the state is resolved. It also disclosed that the Illinois legislature is considering a bill to address the legal issues raised in the suit.

DHS will communicate with each of the Illinois employers enrolled in E-Verify to let them know that they may continue using the system without fear of a state enforcement action. The state's decision also allows employers planning to enroll in E-Verify to do so without the threat of state enforcement against them.

DHS's statement is at http://www.dhs.gov/xnews/releases/pr_1197585316378.shtm.

Arizona. The *Washington Post* termed Arizona the "new ground zero" in the debate over undocumented immigration. Arizona passed a law, effective January 1, 2008, that prescribes sanctions for companies that knowingly hire undocumented workers. On a second offense, the company's business license would be revoked, which Arizona Governor Janet Napolitano has called a corporate "death penalty." In an editorial published on December 26, 2007, the *Post* said the Arizona law may become "a test case for how much pain a state is willing to endure, and inflict, in the name of ridding itself of a population that contributes enormously to its economic growth and prosperity." The *Post* noted that an estimated 9 to 12 percent of Arizona's 3 million workers are undocumented. The law is being challenged by business associations and others in court.

According to "Immigrants in Arizona: Fiscal and Economic Impacts," a study by Judith Gans of the University of Arizona, the total state tax revenue attributable to immigrant workers in 2004 was an estimated \$2.4 billion (about \$860 million for naturalized citizens plus about \$1.5 billion for noncitizens). Balanced against estimated fiscal costs of \$1.4 billion (for education, health care, and law enforcement), the net 2004 fiscal impact of immigrants in Arizona was positive by about \$940 million. The 2004 total economic output attributable to immigrant workers was about \$44 billion (\$15 billion for naturalized citizens and \$29 billion for noncitizens). This output included \$20 billion in labor and other income and resulted in approximately 400,000 full-time-equivalent jobs. The study did not distinguish between authorized and unauthorized workers. The study, which includes demographics and other details about immigrant workers in various industries in Arizona, is available at http://udallcenter.arizona.edu/programs/immigration/publications/immigrants_in_arizona.pdf.

WHTI/REAL ID Update. On December 6, 2007, DHS and Arizona signed a Memorandum of Agreement (MOA) to enhance the security of state driver's licenses, to offer a Western Hemisphere Travel Initiative (WHTI)-compliant document to U.S. citizen residents, and to pledge future compliance with the requirements of the REAL ID Act.

The Arizona agreement is much like those established with Washington, Vermont, and New York earlier in 2007, DHS said. Arizona will develop a technologically enhanced driver's license that will securely validate the identity and U.S. citizenship of Arizona residents who voluntarily apply and qualify. The enhanced driver's license, which is proposed to be accepted for border-crossing purposes under WHTI, is expected to be slightly more expensive than a standard Arizona driver's license and will require proof of citizenship, identity, and residence. The enhanced document also will be aligned to comply with REAL ID over time. DHS, in turn, will provide the technology and data-sharing specifications to facilitate the use and verification of the enhanced driver's license at a port-of-entry. Additionally, once DHS issues the REAL ID final rule, Arizona will offer a REAL ID-compliant document to those U.S. citizens who do not wish to obtain the enhanced driver's license.

DHS and the Department of State expect the date of full WHTI implementation to be in the summer of 2008. At that time, U.S. citizens traveling between the United States and Canada, Mexico, Central and South America, the Caribbean, and Bermuda by land or sea will be required to present a valid U.S. passport or other acceptable document. The precise implementation date will be formally announced with at least 60 days' notice, DHS said in a statement at http://www.dhs.gov/xnews/releases/pr_1196971699639.shtm.

11. New Publications and Items of Interest

DOL releases new, updated FAQs. On December 17, 2007, the Department of Labor released Round 8 of its Backlog Elimination FAQs. The new FAQ is available at http://www.foreignlaborcert.doleta.gov/pdf/backlog_faqs_12-17-07.pdf.

On December 12, 2007, DOL updated its extensive FAQ on labor certification. The FAQ is available at <http://www.foreignlaborcert.doleta.gov/faqsanswers.cfm>. Related links are available on the Web page.

Also on December 12, 2007, DOL released Round 2 of its H-2B FAQ, at http://www.foreignlaborcert.doleta.gov/pdf/h2b_faqs_round2.pdf.

Links to these and other recent FAQs are available at <http://www.foreignlaborcert.doleta.gov/>.

USCIS updates guide for new immigrants. U.S. Citizenship and Immigration Services (USCIS) has released an updated version of *Welcome to the United States: A Guide for New Immigrants*. The new *Guide* includes links to new online tools for USCIS services and information from the Department of Health and Human Services and other federal, state, and community organizations. In addition to settlement and integration information, the *Guide* contains an introduction to the U.S. system of government, a section on rights and responsibilities, and information on how to obtain citizenship. It also has information about finding a place to live, obtaining a Social Security number, getting a job, registering children for school, finding health care, locating English language and adult education classes, preparing for emergencies, and finding community organizations that assist immigrants.

USCIS has added Polish and Urdu translations of the *Guide*, making it available in English and 12 foreign languages, including Arabic, Chinese, French, Haitian Creole, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese.

All translations of the *Guide* and other resources for new immigrants are available at <http://www.uscis.gov/newimmigrants>. The announcement is available at <http://www.uscis.gov/files/pressrelease/NewGuide121107.pdf>.

12. Klasko News

Webinar: Preparing for the H-1B Lottery - Sign-up Now!

Date: Wednesday, January 30, 2008
Time: 1:30 pm – 3:00 pm (EST)
Topic: **Preparing for the H-1B Lottery: What You Need to Know**

Based on last year's experience, we know clients are very concerned with their ability to obtain H-1B status for key new hires. Klasko, Rulon, Stock & Seltzer, LLP is hosting a FREE webinar on managing the H-1B process on Wednesday, January 30. Topics during the webinar will include:

- Recruiting new staff and managing H-1B expectations
- Creative H-1B cap exemptions
- Options to improve lottery chances
- H-1B Alternatives

For more information and **to register online**, visit <http://www.klaskolaw.com/events-calendar.php?action=view&id=67>. Once registered, additional information will be forthcoming about this event.

Upcoming Speaking Engagements



H. Ronald Klasko (Ron) will participate on a panel discussion at the 6th Annual Washington International Education Conference in Washington, D.C., on January 28, 2008. Ron will join government speakers from the Departments of Homeland Security and State in addressing international admissions officers of universities and foreign embassy officials on new developments in visas and immigration for foreign students. For more information on this conference, e-mail Ron at rklasko@klaskolaw.com. Additionally, Ron will be speaking at the Philadelphia Industrial Development Corporation Regional Center EB-5 Seminar in Miami, Florida, on February 6, and also at the Florida Bar Association Annual Immigration Law Update in Miami on February 7 and 8, among other programs in the coming weeks. If you would like more information on any of these talks or to find out how to arrange an on-site program at your organization, write to Ron at rklasko@klaskolaw.com.



Suzanne B. Seltzer is serving as moderator of a three-part seminar series entitled "J Waivers In-Depth," sponsored by [ILW.com](http://www.ilw.com). This series will analyze INA section 212(e) to determine when the two-year home residency applies, and options for a waiver. The first part of this program was January 17. For more information on this seminar series, e-mail Suzanne at sseltzer@klaskolaw.com or register online for parts two and three at <http://www.ilw.com/seminars/januaryA2008.shtm>.

Recent Speaking Engagements

William A. Stock (Bill) spoke at the American Immigration Lawyers Association (AILA) 2008 Midyear CLE Conference entitled, *Avoiding the Wipe Out: Mastering the Challenges of Today's Business Immigration Practice*, on Friday, January 18, 2008, in Kohala Coast, Hawaii. Bill led the panel, "Best Practices in Corporate Immigration Policy," which covered:

- Policy Basics and Clarifying Roles
- Money Issues
- Short- and Long-Term Sponsorship Strategy
- Company and Employee Privacy
- Outside Counsel
- Departing Employees
- Regulatory Compliance Issues



For more information on this program or to request materials, write to Bill at wstock@klaskolaw.com.



Elise A. Fialkowski spoke at the Temple University New International Graduate Student orientation on January 18, 2008. Elise discussed the importance of compliance with immigration regulations that govern international students as well as the key role that the office of international students plays in assisting students to maintain status in this age of SEVIS and increased enforcement. Contact Elise for additional information on this talk via e-mail at efialkowski@klaskolaw.com.

Suzanne B. Seltzer organized and served as moderator of "Immigration Relief for Crime Victims: U & T Visas," a forum cosponsored by the Immigrant Women & Children Project of the City Bar Justice Center, American Immigration Lawyers Association (AILA), and the New York Anti-trafficking Network on Tuesday, January 15 in New York, NY. This seminar dealt with immigration remedies for victims of human trafficking and other violent crimes and was targeted toward judges, immigration and criminal defense attorneys, prosecutors, and other legal professionals. For more information on this specific seminar or this subject matter, contact Suzanne at sseltzer@klaskolaw.com.

In the News and on the Airways



KRSS Counsel **Theodore J. Murphy** (Ted) is in the thick of things with an emotional, controversial, and possibly precedent setting case currently pending before the Board of Immigration Appeals.

The story at a glance:

A mother was led away in handcuffs by ICE agents during the early morning hours of January 7th as her children slept. There is an outstanding order of deportation from 2003. But this is not the typical story. Her husband had arrived in the United States from communist Bulgaria in June 1990. Within a few months he filed an application seeking protection of the United States. No one looked at the application for five years until August 1995 when an officer mentioned that if it had been reviewed when it was filed it would have been approved. Six years later, in June 2001, the Board of Immigration Appeals shelved his appeal stating he could apply for permission to stay under a law passed by Congress in 1997 but he had to wait until the federal agencies passed regulations implementing that law. Now 11½ years later, still waiting for that agency to pass regulations that would allow both husband and wife to remain in the United States as permanent residents, the same agency has grabbed the wife for deportation. Although the wife had been granted relief in 1997 by an Immigration Judge, the BIA reversed the decision in 2002, overlooking the decision they had made in the husband's case just the year before. The wife is clearly eligible to stay in the US under NACARA if her case is reopened. However, the same agency that sat on the husband's application for 5 years, and failed to pass regulations for the last 11 years, is refusing to join a motion to reopen.

Ted was interviewed by the *Pocono Record*, appeared on *WBRE TV News* in Wilkes Barre, PA, and *Gary in the Morning* radio show to explain to a concerned community the efforts to stop the deportation of a woman who would be eligible to remain in the United States permanently but for the inability of government officials to do their jobs in a timely manner. To get more of Ted's perspective on this important issue, e-mail him at tmurphy@klaskolaw.com.

Recent Publications

Ron Klasko's recently authored article, "Investments are Unlocking the Door for Many Immigrants," was published on Wednesday, December 19, in *The Legal Intelligencer*. The article discusses the EB-5 regional center investment programs, including the Philadelphia Regional Center, as possible solutions to many foreign nationals with difficult immigration problems. For more information on this option or to request your copy of this publication, write to Ron at rklasko@klaskolaw.com.

"Is Pennsylvania Next to Require Verification Through E-Verify," by partner [Elise Fialkowski](#), was published in *The Legal Intelligencer* on Wednesday, January 16, 2008. This article discusses how the states, frustrated by the lack of action by the federal government on comprehensive immigration reform, have moved to introduce legislation that seeks to address the employment of illegal immigrants by requiring employers to use E-Verify, an electronic employment eligibility verification system run by U.S. Citizenship and Immigration Services. In addition to discussing a number of statutes that have recently been enacted throughout the United States as well as efforts to pass such legislation in Pennsylvania, the article provides a general summary of the E-Verify program as well as key factors for employers to consider in deciding whether or not to enroll in E-Verify. Contact Elise at efialkowski@klaskolaw.com to request a copy.

[Bill Stock](#)'s latest article, "Corporate Immigration Policy Development: A Checklist for Employers and Counsel," was published in the American Immigration Lawyers Association's (AILA) Midyear Conference Handbook. This article summarizes employer's considerations in developing a corporate immigration policy, and provides a checklist of commonly arising issues that should be included in every policy. E-mail Bill to request your copy at wstock@klaskolaw.com.

Hold the Date

Mark your calendars for [Klasko, Rulon, Stock & Seltzer](#)'s annual Spring Educational Seminar to be held on Thursday, April 10, 2008. Details will follow soon. If your mailing address has changed, please e-mail Charlene Keith at ckeith@klaskolaw.com with your new address to make sure you're on our mailing list to receive an invitation.



13. Government Agency Links

Follow these links to access current processing times of the USCIS Service Centers and the Department of Labor, or the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:

- USCIS Service Center processing times online: <https://egov.uscis.gov/cris/jsps/ptimes.jsp>
- Department of Labor processing times and information on backlogs:
<http://www.foreignlaborcert.doleta.gov/times.cfm>
- Department of State Visa Bulletin: http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html

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