

## OCTOBER 2012

The law firm of **Klasko, Rulon, Stock & Seltzer, LLP** is pleased to present our *October 2012* newsletter covering immigration topics that are of interest to our clients.

### Headlines:

- **1. Four Immigration Programs Extended for Three Years** – The extended programs include the EB-5 regional center program, the E-Verify program, the special immigrant religious worker program, and the Conrad State 30 J-1 visa waiver program for certain foreign doctors working in medically underserved areas.
- **2. USCIS Announces New Filing Option for Canadian TN Nonimmigrants, Reminds Employers of Canadian L-1 Options** – On October 1, USCIS began accepting the Form I-129, Petition for Nonimmigrant Worker, filed on behalf of Canadian citizens outside the United States who seek classification as TN (Trade NAFTA) nonimmigrants.
- **3. USCIS Undercounts H-1B Usage** – The data show that the agency has approved approximately 45,000 too few overall between fiscal years 2008 and 2012.
- **4. STEM Bill Fails in House** – The bill would have provided permanent residence to 55,000 foreign students each year who graduate with advanced degrees in science, technology, engineering, or mathematics (STEM) from U.S. universities and agree to work for at least five years in the United States in a STEM field.
- **5. Details Released on DV-2014 Lottery Program; DV-2013 Entrants Should Keep Confirmation Numbers** – Online registration for the DV-2014 Program begins on October 2, 2012, at noon EDT, and concludes on November 3, 2012, at noon EDT. The Department of State also said it may select more DV-2013 entries on October 1, 2012, so DV-2013 entrants should keep their confirmation numbers even if they have not been selected yet.
- **6. CBP Announces Continued Delays in Processing I-94 Arrival/Departure Records** – CBP is continuing to experience delays in processing foreign visitors' travel information in the Form I-94 Arrival/Departure Record database.
- **7. DHS Extends Haiti TPS, Extends Suspension of Certain Requirements for F-1 Haitian Students** – The 60-day re-registration period for current Haiti TPS beneficiaries who wish to maintain their TPS will run through November 30, 2012.
- **8. USCIS Releases Latest DACA Statistics** – 4,591 requests have been approved so far.
- **9. USCIS Updates FAQs on Deferred Action** – The latest FAQ was updated on September 7, 2012.
- **10. November Visa Bulletin Shows Backlogs in Some EB Categories** – Worldwide EB-2 becomes “current” on November 1, but India and China remain severely backlogged.

- **11. State Dept. Announces 'Historic' Visa Agreement between United States and Russia** – Among other benefits, the agreement provides for longer visa validity.
- **12. Federal District Court Upholds 'Show Papers' Provision of Arizona Immigration Law** – Judge Susan Bolton said the law must take effect before it can be challenged, but she left the door open to potential future challenges.
- **13. SEVP Notes Driver's License and Social Security Difficulties for Students** – Some F and M students are having difficulties when applying for a [Social Security number](#) or [driver's license](#).
- **14. Democratic Party Platform Supports Comprehensive Immigration Reform** – The platform touts existing Obama administration efforts, such as deferred action for childhood arrivals in lieu of the DREAM Act and supporting family reunification as a priority.
- **15. Global: United Kingdom: A Numbers Game** – The United Kingdom has introduced various restrictive immigration policies.
- **16. Government Agency Links**
- **17. New Publications and Items of Interest**
- **18. Klasko News** – Upcoming and recent speaking engagements and recent publications.

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## 1. Four Immigration Programs Extended for Three Years

On September 28, 2012, President Obama signed a bill extending four immigration programs for three years, to September 30, 2015. The programs are the EB-5 regional center program, the E-Verify program, the special immigrant religious worker program, and the Conrad State 30 J-1 visa waiver program for certain foreign doctors working in medically underserved areas.

Congress is unlikely to pass any other immigration bills before the November elections, and the need for a budget agreement before January of 2013 will likely prevent any immigration-related bills from being considered during the session of Congress after the election.

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## 2. USCIS Announces New Filing Option for Canadian TN Nonimmigrants, Reminds Employers of Canadian L-1 Options

On October 1, 2012, U.S. Citizenship and Immigration Services (USCIS) began accepting the Form I-129, Petition for Nonimmigrant Worker, filed on behalf of Canadian citizens outside the United States who seek classification as TN (Trade NAFTA) nonimmigrants.

With respect to the TN classification, USCIS currently only accepts the I-129 in connection with a request to extend a TN nonimmigrant's stay or to change a nonimmigrant's status to TN. Canadian citizens continue to have the option of applying to U.S. Customs and Border Protection (CBP) for TN classification in conjunction

with an application for TN admission to the United States.

USCIS also issued a reminder that an employer has the option of filing an I-129 individual petition with USCIS on behalf of a Canadian L-1 nonimmigrant. A U.S. employer that has an approved L-1 blanket petition also has the option to file a Form I-129S, Nonimmigrant Petition Based on Blanket L Petition, along with supporting documentation, with the USCIS service center that approved the L-1 blanket petition, on behalf of a Canadian citizen (or any visa-exempt beneficiary) who is outside the United States. As before, Canadian citizens may apply for L-1 classification in conjunction with an application for L-1 admission to the United States by presenting the I-129 (individual petition) or I-129S (under an approved blanket petition) and supporting documentation to CBP.

The announcement, which includes links to additional information, is available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=c130f4c88ad0a310VgnVCM100000082ca60aRCRD&vgnnextchannel=e7801c2c9be44210VgnVCM100000082ca60aRCRD>.

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### 3. USCIS Undercounts H-1B Usage

Reports have surfaced that U.S. Citizenship and Immigration Services (USCIS) has undercounted H-1B usage by almost 15 percent over the past five years. USCIS must approve 65,000 H-1B visas per year but the data show that the agency has approved approximately 45,000 too few overall between fiscal years 2008 and 2012. Sources attribute the discrepancy to inaccurate estimates of denial rates.

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### 4. STEM Bill Fails in House

On September 20, 2012, the U.S. House of Representatives rejected the STEM Jobs Act (H.R. 6429), sponsored by Rep. Lamar Smith (R-Tex.) by a vote of 257-158. (288 votes were required to pass under suspension of the rules.) The bill would have eliminated the Diversity Visa program, and used the numbers to provide and additional path to permanent residence to 55,000 foreign students each year who graduate with advanced degrees in the sciences (except biomedical sciences), technology, engineering, or mathematics (STEM) from certain U.S. universities and agree to work for at least five years in the United States in a specified STEM field. The bill included requirements for an employer to petition on the student's behalf and a labor certification process.

Democrats who voted against the measure signaled that they were in favor of similar legislation but objected to a provision that would have eliminated the diversity visa program. While Congress could take up this and similar bills in November, after the presidential election, the need to complete major budget legislation may prevent immigration bills from being considered further.

## 5. Details Released on DV-2014 Lottery Program; DV-2013 Entrants Should Keep Confirmation Numbers

Online registration for the DV-2014 Program began on Tuesday, October 2, 2012, at noon EDT, and concludes on Saturday, November 3, 2012, at noon EDT. Applicants must submit entries electronically during this registration period using the electronic DV entry form (E-DV) at <https://www.dvlottery.state.gov/>. Paper entries will not be accepted. The Department of State strongly encourages applicants not to wait until the last week of the registration period to enter. Heavy demand may result in website delays.

Selectees for the DV program are chosen by a computer-generated, random drawing. The visas are distributed among six geographic regions, with a greater number of visas going to regions with lower rates of immigration to the United States, and with no visas going to nationals of countries sending more than 50,000 immigrants to the United States over the past five years. No single country may receive more than seven percent of the available diversity visas in any one year.

For DV-2014, natives of Guatemala are now eligible to enter the program.

Natives of the following countries are not eligible to apply because the countries sent more than 50,000 immigrants to the United States in the previous five years: Bangladesh, Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, Ecuador, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Peru, Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam. A "native" ordinarily means someone born within a particular country, regardless of the individual's current country of residence or nationality. Persons born in Hong Kong SAR, Macau SAR, and Taiwan are eligible.

For DV-2014, the Department of State once again will implement an online process to notify entrants of their selection and to provide information about the immigrant visa application and interview. Beginning May 1, 2013, DV-2014 entrants will be able to use their confirmation number provided at registration to check online through Entry Status Check at <http://www.dvlottery.state.gov>. Successful entrants will receive instructions on how to apply for immigrant visas for themselves and their eligible family members. Confirmation of visa interview appointments will also be made through Entry Status Check.

"Natives" of a country are generally people born in that country; however, some people may be able to claim the country of birth of their spouse or parent, if different from their own. Persons who wish to determine if they are eligible for the lottery can [contact their Klaskolaw attorney](#) for advice.

For detailed information about DV-2014 entry requirements, along with frequently asked questions about the DV program, see the instructions for the DV-2014 Diversity Visa program, available at [http://travel.state.gov/visa/immigrants/types/types\\_1318.html](http://travel.state.gov/visa/immigrants/types/types_1318.html). The related Federal Register notice was published on September 28, 2012, at <http://www.gpo.gov/fdsys/pkg/FR-2012-09-28/pdf/2012-23934.pdf>.

The Department of State also noted that DV-2013 entrants should keep their confirmation numbers until at least September 2013, even if they were not selected on May 1, 2012. The Department said it may select more DV-2013 entries on October 1, 2012. Entrants in the DV-2013 program may check the status of their entries through Entrant Status Check (<https://www.dvlottery.state.gov/ESC/>) through September 30, 2013.

## 6. CBP Announces Continued Delays in Processing I-94 Arrival/Departure Records

U.S. Customs and Border Protection (CBP) announced on September 17, 2012, that it is still experiencing delays in processing foreign visitors' travel information in the Form I-94 Arrival/Departure Record database. CBP said this does not affect the majority of foreign travelers visiting for business or leisure and will not affect any visitor's record of departure; however, for newly arrived work-authorized nonimmigrants who need Social Security Numbers and driving licenses, the delays in data entry mean that other government agencies cannot verify the person's immigration status.

CBP is exploring automating the I-94 to allow for the collection of arrival/departure information electronically to streamline the arrival and inspection process for travelers. CBP is coordinating with other agency stakeholders and is considering rulemaking. The announcement is available at [http://www.cbp.gov/xp/cgov/travel/id Visa/i-94\\_instructions/i94\\_data\\_entry.xml](http://www.cbp.gov/xp/cgov/travel/id Visa/i-94_instructions/i94_data_entry.xml).

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## 7. DHS Extends Haiti TPS, Extends Suspension of Certain Requirements for F-1 Haitian Students

The Department of Homeland Security has published a notice in the Federal Register extending Haitian temporary protected status (TPS) for an additional 18 months, ending on July 22, 2014.

The 60-day re-registration period for current Haiti TPS beneficiaries who wish to maintain their TPS began on October 1, 2012, and will run through November 30, 2012. Individuals who have not continuously resided in the United States since January 12, 2011, are not eligible.

The 18-month extension also allows TPS re-registrants to apply for a new employment authorization document (EAD). Eligible Haitian TPS beneficiaries who timely re-register will receive a new EAD, if requested, with an expiration date of July 22, 2014. USCIS recognizes that all re-registrants may not receive their new EADs until after their current EADs expire. Therefore, USCIS is extending currently valid TPS Haiti EADs bearing a January 22, 2013, expiration date for an additional six months, through July 22, 2013.

In addition, DHS is extending the suspension of certain requirements for F-1 nonimmigrant Haitian students. The extension will enable these F-1 students to continue to obtain employment authorization, work an increased number of hours while school is in session, and reduce their course load, while maintaining their F-1 student status. The suspension of the regulatory requirements will remain in effect for an additional 18 months, through July 22, 2014.

The announcement is available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=29a2c566e8c1a310VgnVCM100000082ca60aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>.

The Haitian TPS extension notice was published in the Federal Register at <http://www.gpo.gov/fdsys/pkg/FR-2012-10-01/pdf/2012-23826.pdf>. The F-1 extension notice was published at <http://www.gpo.gov/fdsys/pkg/FR-2012-10-01/pdf/2012-23825.pdf>.

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## 8. USCIS Releases Latest DACA Statistics

U.S. Citizenship and Immigration Services' Office of Performance and Quality has released the latest statistics on the Deferred Action for Childhood Arrivals (DACA) process as of October 10, 2012, showing that 179,794 requests have been accepted for processing; 158,408 biometric service appointments have been scheduled; 6,416 requests are under review; and 4,591 requests have been approved.

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## 9. USCIS Updates FAQs on Deferred Action

U.S. Citizenship and Immigration Services has updated its frequently asked questions (FAQs) several times on the new deferred action program for childhood arrivals. The latest version was updated on September 7, 2012.

The Department of Homeland Security has advised that its processing goals are one month from issuance of a receipt to the biometric appointment, and four to six months on average for processing the initial batch of deferred action requests. This time could increase as more requests are received.

USCIS said it plans to issue additional FAQs as people work through the process. The latest FAQ, along with other links to relevant information, is available at

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=3a4dbc4b04499310VgnVCM100000082ca60aRCRD&vgnnextchannel=3a4dbc4b04499310VgnVCM100000082ca60aRCRD>.

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## 10. November Visa Bulletin Shows Backlogs in Some EB Categories

The Department of State had expected that the worldwide EB-2 visa numbers would become current once the new fiscal year began on October 1, 2012; while this did not happen, they were able to make the worldwide EB-2 category current as of November 1, 2012. The EB-2 category for India, however, which became unavailable in June, has not budged from where it was set in October, remaining at September 1, 2004. EB-2 China advanced modestly, from July 15, 2007 in October to September 1, 2007 in November. Additional movement is expected to be slow in this category for India and China for the first half of the new fiscal year.

The EB-3 category continues to be backlogged for all countries, with slow advances. The EB-1, EB-4, and EB-5 categories remain current for all countries for November.

The November Visa Bulletin is available at [http://travel.state.gov/visa/bulletin/bulletin\\_5779.html](http://travel.state.gov/visa/bulletin/bulletin_5779.html).

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## 11. State Dept. Announces 'Historic' Visa Agreement between United States and Russia

The Department of State announced that an "historic" U.S.-Russia visa agreement entered into force on September 9, 2012. The agreement facilitates travel between the two countries and "enables us to strengthen

ties between our people by benefitting the largest segments of travelers in both our countries – business travelers and tourists,” the Department said in a statement. Among other benefits, the agreement provides for longer visa validity.

Nearly 159,000 business and tourism visas were issued in fiscal year 2011 to Russian citizens. Over 75,000 U.S. citizens travel to Russia annually, the majority of who require Russian visas.

The agreement includes these key provisions:

- Three-year, multiple-entry visas will be issued as the standard “default” visa for U.S. citizens visiting Russia and Russian citizens visiting the United States;
- Diplomatic and official visa holders on temporary assignments will receive one-year, multiple-entry visas;
- The documentation required will be reduced. For example, the Russian government will no longer require U.S. citizens to provide formal, “registered” invitation letters when applying for Russian business visas or visas for private visits, although applicants seeking Russian tourist visas must continue to hold advance lodging reservations and arrangements with a tour operator;
- Both sides have committed to keeping standard visa processing times under 15 days, although the circumstances of individual cases may require additional processing; and
- The \$100 issuance (reciprocity) fee for Russians issued U.S. visas for business or tourism (B-1/B-2) will decrease to \$20.

The announcement is available at <http://www.state.gov/r/pa/prs/ps/2012/09/197476.htm>.

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## **12. Federal District Court Upholds 'Show Papers' Provision of Arizona Immigration Law**

U.S. District Judge Susan Bolton of Phoenix ruled on September 5, 2012, that the “show me your papers” provision of Arizona's immigration law will stand, at least for now. That provision allows Arizona police officers to question immigration status while carrying out enforcement of other laws.

Judge Bolton said the law must take effect before it can be challenged, but she left the door open to potential future challenges.

Allesandra Soler, executive director of Arizona's American Civil Liberties Union, predicted “rampant racial profiling and prolonged detention for countless Latinos, a majority of whom are U.S. citizens and permanent residents.” Jan Brewer, Arizona Governor, said the ruling “will empower state and local law enforcement, as part of a legal stop or detention, to inquire about an individual's immigration status when the officer has reasonable suspicion.”

[Judge Bolton's September 5 Opinion](#)

### 13. SEVP Notes Driver's License and Social Security Difficulties for Students

The Student and Exchange Visitor Program (SEVP) noted on September 6, 2012, that some F and M students are having difficulties when applying for a Social Security number (SSN) or driver's license. SEVP and U.S. Citizenship and Immigration Services' Systematic Alien Verification for Entitlements (SAVE) Program are working on a solution that they expect to implement shortly.

Currently, there are two options for students:

1. Return to the Department of Motor Vehicles (DMV) or Social Security Administration (SSA) office in the student's state on or after September 14, 2012.
2. E-mail [dmvssa.sevp@ice.dhs.gov](mailto:dmvssa.sevp@ice.dhs.gov), which may take longer than option one. Include the following in the e-mail:
  1. Benefit requested (SSN or driver's license)
  2. Family name
  3. First name
  4. Date of birth
  5. Form I-94, Arrival/Departure Record, admission number (11 digits)
  6. SEVIS ID
  7. Applicant's physical address (required), phone number (required), and e-mail
  8. Address of the office where problem occurred (and the name of the official, if known)
  9. Date of the latest visit to office
  10. SAVE case number (if available)
  11. Current driver's license/customer number and/or DMV receipt number (for DMV customers, if available)

While SEVP does not process benefits, SEVP says a representative will contact SSA or the student's state DMV on the student's behalf to help with processing.

The student may also contact the SEVP Response Center with further questions at either 703-603-3400 or [SEVP@ice.dhs.gov](mailto:SEVP@ice.dhs.gov).

The SEVP announcement is available at <http://studyinthestates.dhs.gov/2012/09/social-security-number-and-drivers-license-issues-2>.

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### 14. Democratic Party Platform Supports Comprehensive Immigration Reform

The Democratic Party's platform for 2012, which was formally approved at the Democratic National Convention held in Charlotte, North Carolina, from September 4 through 6, supports comprehensive immigration reform that "brings undocumented immigrants out of the shadows and requires them to get right with the law, learn English, and pay taxes in order to get on a path to earn citizenship."

The platform states, among other things, that the Department of Homeland Security is "prioritizing the deportation of criminals who endanger our communities over the deportation of immigrants who do not pose a

threat.” It touts existing Obama administration efforts, such as deferred action for childhood arrivals in lieu of the DREAM Act and supporting family reunification as a priority. The platform states that the word “family” in immigration includes LGBT relationships “to protect bi-national families threatened with deportation.”

The full text of the Democratic Party platform for 2012 is available at <http://www.democrats.org/democratic-national-platform>.

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## 15. Global: United Kingdom: A Numbers Game

*The United Kingdom has introduced various restrictive immigration policies.*

Since coming to power, the Conservative-led coalition government of the United Kingdom has introduced a number of changes to work, study, and family migration routes in an effort to reduce net migration. In crafting this barrier of restrictive policy, the government has trumpeted each new reform as a building block toward saving the UK's economy and protecting its people. However, in restricting the routes that permitted many productive and talented migrants to enter and remain, the government is frustrating the country's fiscal health and playing to a culture of alarmism.

Among those adversely affected by this approach have been Non-European Economic Area (non-EEA) migrant employees and the businesses who would seek to hire them. By constructing a wall of red tape in the form of confusing application forms, voluminous guidance, and unreasonable requirements, the UK government has given the distinct impression that the UK is closed for business.

Universities, too, have been hard-hit by the reforms and are faced with potentially losing billions of pounds due to the crackdown on overseas students. These changes limit the time non-EEA students can study in the UK, cut the number of hours they may work, reduce the options for post-graduation employment, and stem the ability of migrants to bring their spouses and children. The changes have caused significant reductions in enrollment.

Most recently, the UK government set its sights on family migration. Among the most criticized of these reforms, which came into force on July 9, 2012, has been the introduction of a minimum income of £18,600 for British citizens and settled persons who wish to sponsor a non-EEA migrant as their partner. Even higher income thresholds are in place for those seeking to sponsor a child or children. Additionally, the government now imposes an unreasonably long probationary period of five years (raised from two years) before non-EEA migrant partners may apply for settlement.

While undocumented immigration and abuses of the system are clearly legitimate concerns for any nation, the present UK government has adopted an exclusionary stance that acts as a barrier to many of the very people the UK should seek to attract. Bright students, productive employees with jobs and sponsors, and the spouses and partners of British citizens are all among those who have been prevented or discouraged from a life in the UK. Sadly, this appears to be a numbers game that we will all lose.

## 16. 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/processTimesDisplay.do>
- 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/bulletin/bulletin\\_1360.html](http://travel.state.gov/visa/bulletin/bulletin_1360.html)
- Visa application wait times for any post: [http://travel.state.gov/visa/temp/wait/wait\\_4638.html](http://travel.state.gov/visa/temp/wait/wait_4638.html)

## 17. New Publications and Items of Interest

Updated fact sheets on FY 2012 statistics. The Department of Labor has posted updated program fact sheets on FY 2012 selected statistics:

- Permanent Labor Certification, [http://www.foreignlaborcert.doleta.gov/pdf/perm\\_labor\\_certification.pdf](http://www.foreignlaborcert.doleta.gov/pdf/perm_labor_certification.pdf)
- Prevailing Wage Determinations, [http://www.foreignlaborcert.doleta.gov/pdf/prevailing\\_wage\\_determination.pdf](http://www.foreignlaborcert.doleta.gov/pdf/prevailing_wage_determination.pdf)
- H-1B Temporary Visas, [http://www.foreignlaborcert.doleta.gov/pdf/h\\_1b\\_temp\\_visa.pdf](http://www.foreignlaborcert.doleta.gov/pdf/h_1b_temp_visa.pdf)
- H-2A Temporary Agricultural Visas, [http://www.foreignlaborcert.doleta.gov/pdf/h\\_2a\\_temp\\_agricultural\\_visa.pdf](http://www.foreignlaborcert.doleta.gov/pdf/h_2a_temp_agricultural_visa.pdf)
- H-2B Temporary Nonagricultural Visas, [http://www.foreignlaborcert.doleta.gov/pdf/h\\_2b\\_temp\\_non\\_agricultural\\_visa.pdf](http://www.foreignlaborcert.doleta.gov/pdf/h_2b_temp_non_agricultural_visa.pdf)

DACA data. U.S. Citizenship and Immigration Services released new data on September 14, 2012, showing that the agency has accepted 82,361 requests for deferred action for childhood arrivals so far, scheduled 63,717 biometric appointments (this number may include rescheduling), readied 1,600 requests for review, and completed processing of 29 requests. Christopher Bentley, a USCIS spokesperson, reportedly said that USCIS does not plan to release information on the number of approvals and denials.

The data are available at

<http://www.uscis.gov/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DASStats-Sep.pdf>.

DOL proposal on H-1B visas. The National Foundation for American Policy has published "DOL Threatens Personal and Commercial Privacy in Proposal Directed Against Skilled Foreign Nationals." The report argues that a Department of Labor (DOL) proposal aimed at the employment of skilled foreign nationals on H-1B visas will threaten personal and commercial privacy, make it harder for employers to serve customers, and discourage hiring skilled personnel to perform work in the United States. The report notes that the DOL proposal to change the labor condition application (LCA) significantly would require employers to divulge information in a public access file, available to anyone upon request, that would include sensitive information

about clients and revenue, as well as personal information on sponsored employees that would leave skilled foreign nationals vulnerable to identity thieves and disgruntled individuals who may seek to do them harm, in addition to adding new bureaucratic steps.

Various organizations oppose the proposal, including the U.S. Chamber of Commerce, the Information Technology Industry Council, American Council on International Personnel, Society for Human Resource Management, American Immigration Lawyers Association, and NAFSA: Association of International Educators.

The report is available at <http://www.nfap.com/pdf/NFAPPolicyBrief.DOLLCAProposal.September2012.pdf>. A related press release is available at <http://www.nfap.com/pdf/DAYOFRELEASE.DOLLCAPROPOSAL.September172012.pdf>.

Yearbook of immigration statistics. The Department of Homeland Security has published the 2011 Yearbook of Immigration Statistics. The publication notes, among other things, that Canada, Mexico, and India are the top three countries sending temporary workers and their families to the United States. India, China, and Korea are the top three countries (by country of birth) sending employment-based legal permanent residents. The yearbook is available at [http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois\\_yb\\_2011.pdf](http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf).

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## 18. Klasko News

### Upcoming Speaking Engagements



Suzanne B. Seltzer (Suzanne) will be presenting at campuses of the University of Texas from October 22-25, 2012. On October 22, Suzanne will discuss "Immigration Opportunities for Clinicians and Researchers" at The University of Texas Health Science Center at Houston and also discuss this topic at MD Anderson Cancer Center the following day. On October 24, Suzanne will be at UT Southwestern Medical Center at Dallas to present "Pathways to Permanent Residency."

Elise A. Fialkowski (Elise) will present at the Immigration CLE in West Chester, Pennsylvania sponsored by the Chester County Bar Association on October 25, 2012. She will discuss developments in employment based immigration and worksite compliance.

H. Ronald Klasko (Ron) will be in China in late October to discuss the EB-5 program to various groups. For more information on the EB-5 visa, visit our EB-5 resource center at [www.eb5immigration.com](http://www.eb5immigration.com) or contact Ron at [rklasko@klaskolaw.com](mailto:rklasko@klaskolaw.com).

As Chair of the AILA's Philadelphia USCIS Liaison Committee, Elise will meet with the District Director of the Philadelphia USCIS as well as his leadership team on October 31, 2012 to discuss adjudication issues, USCIS developments, and processing trends.

On November 1, 2012, Ron will discuss "Immigration Options for Scholars and Researchers" for the Biomedical Postdoctoral Programs at the University of Pennsylvania School of Medicine.

Elise will be speaking at Drexel University on November 5, 2012 on immigration options for students and scholars.

Ron will be speaking at Yale University in New Haven, CT on November 5, 2012.

On November 7, 2012, Ron will discuss "Visa and Permanent Residence Options for MBA Students" at Harvard Business School. Ron will talk about employment options for the F-1 student, various H-1B visa options, E, L-1, O-1, H-3, and other permanent resident options including EB-5s.

On November 13, 2012, [William A. Stock](#) (Bill) will be presenting on "Visa Options for the Entrepreneurial International Student" as part of the Global Entrepreneurship Week sponsored by the Small Business Development Center at The Pennsylvania State University.

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### **Recent Speaking Engagements**

Ron and Suzanne spoke at the AILA 2012 Colorado Chapter Rocky Mountain Immigration Law Update from October 11-12, 2012 in Blackhawk, CO. Ron served as a panelist on "EB-5: Where are we now?" Suzanne moderated "EB1 and EB2: Is anyone Exceptional or Extraordinary?" a session that looked at determining who is extraordinary or exceptional, discussed EB-1 after Kazarian, and how to demonstrate national interest among other topics. For more information on this conference, contact Ron or Suzanne.



[Daniel B. Lundy](#) (Dan) presented "Developing the 924 Petition" at the ILW EB-5 Summit for Attorneys and Developers in Chicago on October 12, 2012. This conference, geared towards attorneys and developers, focused both on immigrant investor petitions and how to navigate the EB-5 program for developers who wish to use the program to raise foreign capital to fund their projects through the program.

Bill joined Reid Trautz, Director of the AILA Practice and Professionalism Center, in teaching new immigration lawyers about avoiding ethical problems while growing their practices on October 11, 2012 in Washington, DC. Their presentation was part of the AILA 2012 Fundamentals of Immigration Law Conference, which was webcast nationally.

On October 9, 2012, Ron spoke to MBA students at the Wharton School of the University of Pennsylvania. To review the event webpage with the PowerPoint presentation and relevant articles, click [here](#).

Ron was a panelist at the American Immigration Lawyers Association (AILA) Central Florida Chapter conference on October 5, 2012 in Clearwater, Florida.

[Nataliya Rymer](#) served as a panelist for a webinar sponsored by AILA on October 4, 2012 titled "Third Party-Site Placement: Hs and Ls." This webinar addressed how to deal with situations where an H-1B or L-1 sponsor places a beneficiary at a third party location. The panel discussed the key issues in third party site placement including how to determine if the beneficiary is actually an employee of the sponsoring entity sufficient for H-1B or L-1 approval. This webinar also addressed



practical ways to demonstrate the employer-employee relationship in the petition and recent trends by USCIS and FDNS. For more information on this topic, contact Nataliya via email at [nrymer@klaskolaw.com](mailto:nrymer@klaskolaw.com).

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### **Recent Publications**

Dan is a contributing author for The EB-5 Definitive Guide, published in September 2012. This publication is a guide to the EB-5 program with an emphasis on applying for designation as a regional center. For more information on this publication or the EB-5 program in general, contact Dan at [dlundy@klaskolaw.com](mailto:dlundy@klaskolaw.com).

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