Immigration Update

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Immigration Basics

- U.S. citizens
- Permanent residents
- Nonimmigrants (temporary status)
- Illegals
Temporary Status

- Alphabet soup
- Specific time limitations
- Specific authorized activities
Paths to Permanent Residence

- Refugee/Asylum
- Diversity Lottery
- Family based immigration
- Employment based immigration
Refugees/Asylum

- Well founded fear of persecution
- Political overtones
- Strict timelines for filing
Diversity Lottery Program

- 50,000 annual “winners”
- Specific countries only
- Electronic submission of applications
- Digital photo required
- www.travel.state.gov
Family Based Immigration

- Limited circle of family
- Spouses and children of USCs
  - regardless of age or marital status
- Spouses and unmarried children of PRs
- Siblings of USCs
- Parents of USCs
Employment Based Immigration

☑ Labor Certification Process
  ➢ University colleges or teachers
    ✷ Special handling
    ✷ “Best qualified” standard
  ➢ Non-teaching positions
    ✷ Only person left standing
Employment Based Immigration

✓ Labor Certification Exemption
  ➢ Outstanding researcher/professor
  ➢ Extraordinary Ability
  ➢ National interest Waiver
  ➢ Certain exceptional ability candidates (Schedule A)
A Busy Fall 2004 Semester

- Legislation
- Regulations
- Lobbying efforts
What’s New? H-1B Status

- Exhaustion of H-1B numbers
- Competitive advantage for academia?
- Overtures from industry
- 20,000 new numbers for US graduate degree holders
- Fee increases - $500 for anti-fraud
- Prevailing wage increase
The Conrad 30 Program

- Extension of program until 6/1/06
- Exempted waiver recipients from H-1B cap
- 5 out of 30 for non-HPSA facilities
- Extended waiver program to specialty doctors
What’s New? Labor Certifications

- PERM regulations
- Effective date – 3/28/05
- Grandfathered pending cases
- 100% prevailing wage
- Special handling intact for faculty
Border Issues and Visa Delays

- Machine readable passports
- U.S. VISIT program
- Mandatory consular interview
On the Horizon

- Critical lobbying need
- Essential worker program?
- Retrogression of numbers
The End