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# Immigration Update

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February 22, 2005

# 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](http://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

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- ✓ 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*

