**April webinar: Legislative Updates**

Our April 25th webinar will focus on an update from Washington D.C. We will not only review current pending legislation but also the pulse from the capital in regards to immigration reform, the H-1B cap and new immigrant visa numbers. We will provide information on contacting congressional representatives and discuss advocacy issues so that your company's views can be heard. This webinar will provide an update not only from AILA's March Lobby Day but from the organizations Spring Conference which boasts the movers and shakers from the heads of the agencies which we deal with on a day-to-day basis. Please join Ilana Drummond and Atessa Chehrazi for this timely webinar. Pending PHR/SPHR certification.

Send an e-mail to webinar@jackson-hertogs.com to register for any of our webinars.

**H-1B Cap cases: Don’t wait another day!**

In just 3 days, on March 30, 2007, employers across the United States will begin filing new H-1B petitions subject to the Fiscal Year 2008 (FY 2008) numerical cap. While no one knows how soon all the available H-1B numbers will be exhausted, many law firms are predicting that the H-1B visa cap could be hit in the first week of filing—possibly as early as the first day petitions are accepted! The cap has been reached approximately two months faster than the previous year for each of the last three years and last year, all available H-1Bs were gone in 56 days! If this trend holds, this year's cap could be reached in the first week of filing – possibly on the first day.

There is no way to determine when the H-1B cap will be reached for FY 2008, but we urge clients who may have employees or candidates that need an H-1B visa to contact our office immediately to have the chance of getting an H-1B out of the FY 2008 numbers. Waiting until April or later to start new H-1Bs will most likely result in not getting an H-1B from this year's cap.

Please note that the effective start date of employment for any cap-subject H-1B petition can be no sooner than the first day of FY 2008, which is October 1, 2007. However, employers may file these petitions up to six months prior to the requested start date, which is why filing season starts on April 1, 2007.
Think you don’t need any cap-subject H-1Bs? If you have any employees who are working on F-1 Optional Practical Training (OPT) – they need a cap H-1B! If you will be hiring any new college graduates this spring or summer – they need a cap H-1B! If you are interviewing candidates who have H-1B status through a university or a research organization – they may need a cap H-1B! You should also review employees in other nonimmigrant categories such as TN or L-1B who, for strategic reasons, may benefit from being changed to H-1B.

Please contact our office if you have questions and to start any new cap H-1B cases. Please make sure that your hiring managers and recruiters are aware of this very important issue.

**I-485s to be transferred to NSC and TSC**

AILA’s Service Center Operations (SCOPS) Liaison Committee received the following information on March 12, 2007: “in anticipation of the next phase of Bi-Specialization, I-485 applications are being transferred from CSC to NSC, and from VSC to TSC. This includes cases that are subject to visa retrogression and security/background checks. Transfer notices will be sent and the USCIS online system will be updated when a transfer occurs. SCOPS has confirmed that transferred cases will go into the queue based on original filing date and not the date of the transfer.”

**Transfer notice error on I-485s**

Approximately 250 of the employment based adjustment applications recently transferred from the California Service Center to the Nebraska Service Center were issued a notice of transfer with an error. The error in the transfer notice states that NSC has “received the above application or petition back from the Department of State, along with their request that it be reviewed.” It should be noted that the cases were transferred from the California Service Center and not the Department of State. This error should only be reflected in receipts issued on February 26, 2007.

**Office of Security and Integrity created**

On March 15, 2007, USCIS announced the creation of the Office of Security and Integrity (OSI). This new office will be responsible for internal review and management integrity functions and will be led by acting chief Jan Lane.

**Consular posts to accept I-130 filings again**

On January 22, 2007, consular posts abroad were advised to no longer accept I-130 immigrant visa petition filings. This change was initiated because the consular posts were not able to conduct the criminal background checks of U.S. citizens required under the Adam Walsh Act.

On March 21, 2007, the Department of State announced that I-130s could again be filed with the consular posts abroad in light of an arrangement that will allow USCIS to conduct the necessary criminal background check on any petitions filed with the consular post.


**Global Visas News**

**Italy: Requirement for short-term permits of stay abolished**

Although visas still are required for non-visa exempt nationals to enter Italy for short-term business or tourism visits (up to 90 days), Italy introduced a new Legislative Decree abolishing the requirement that non-Italians also apply for a Short-Term Permits of Stay as of February 15, 2007. According to the new decree, all (visa exempt and non-exempt) non-Italian citizens arriving in Italy for this period of time will now be simply required to inform the authorities of their arrival in Italy at the local police station or at the border of entry, within 8 days of arrival. The Decree states that the non-Italians must complete a declaration form to be accompanied by a complete copy of the applicant's passport (including blank pages and visa page) and file it with the local police station. The Italian Border Police have not yet implemented the new law and will not accept applications filed at the border of entry and instructions regarding filing the applications will be issued later. Please contact us for specific information or questions.

**U.K.: Visa fee increase**

The U.S. is not the only country increasing fees for immigration benefit applications. On March 7, 2007, the U.K. Home Office announced a proposed increase
in visa fees to go into effect for visa and work authorization applications filed on or after April 1, 2007. Please contact us for specific information regarding individual matters.

Canada: Amendments to Temporary Foreign Worker program

On February 23, 2007, Canada’s new government announced that it would be amending its Temporary Foreign Worker program to make it quicker and easier for employers who need to hire non-Canadians to meet their labor needs. One of the proposed changes includes allowing those employers who have shown that there is no Canadian citizen or resident available for a lower skilled position to hire a temporary foreign worker for an initial 24-month period. Previously, such workers were required to leave Canada after the initial 12-month period and spend at least 4 months outside Canada before re-applying to return.

Canada also will make it possible for employers to apply online for a labor market opinion, an assessment of the effect of a temporary foreign worker on the Canadian labor market, which is a prerequisite for certain types of work permit applications. Additionally, Canada will make it possible for employers to request concurrent filing of a labor market opinion application and a work permit application. Both proposals should work to reduce the amount of time required for processing these types of work permit applications. Please contact us for specific information regarding individual matters.

J&H News

J&H welcomes Marina!

J&H is excited to welcome Marina Marangosian who joins the team as a Legal Assistant and will primarily be working with Attorney Norman Plotkin. Previously, Marina worked for a small San Francisco law firm where she gained extensive experience in nonimmigrant and immigrant employment and family-based petitions. Marina is originally from France where she earned her Master’s Degree in Foreign Languages (English/Spanish) with a major in Specialized Translation from Université Lumière Lyon II. In her spare time, she enjoys cooking, gardening, and playing with her two cats!

J&H webinars

April 25, 2007, Legislative Updates

See page 1 for a description of this webinar. Pending PHR/SPHR certification.

Send an e-mail to webinar@jackson-hertogs.com to register for any of our webinars. You can always find a list of scheduled webinars on our website at http://www.jackson-hertogs.com/?page_id=519.

May 16, 2007 – Immigration 101

This webinar will present a broad overview of immigration issues, including a review of nonimmigrant visa categories and the immigrant visa categories and process. This is an excellent overview for HR staff who are new to immigration issues, or for experienced HRs who want to brush up on the basics. Please join Daniel C. Horne and Grace Hoppin for a whirlwind tour through the alphabet soup of visas, petitions and applications.

June 2006 – No seminar scheduled

July 2006 (Webinar) – “Hot Topics” from the Annual AILA Conference

This seminar will provide updates from the DOS, on DOL backlog processing, on H-1Bs and more exciting news from this year’s annual AILA conference.

Immigration Trivia

Who needs a cap-subject H-1B?

a. A new hire who is not a lawful permanent resident, U.S. citizen or asylee in the U.S. and who just graduated from college.
b. Employees who are working on F-1 Optional Practical Training (OPT) or Curricular Practical Training (CPT).
c. A candidate who has H-1B status through a university or a research organization.
d. All of the above

Answer: (d) Individuals in all of the situations described above are cap-subject and will need one of the H-1B visas can be filed on April 1, 2007 with an effective date of October 1, 2007.

For up-to-date information, visit us on the web: www.jackson-hertogs.com