



BEACH - OSWALD
Immigration Law Associates, PC

Beach-Oswald Immigration Law Associates Newsletter

Issue 33

Washington, DC
March, 2010

Beach-Oswald is a full-service law firm, concentrating on immigration law. We have special expertise in work visas, family based visas, visa waivers, green cards through family and employment and asylum. We have staff members who speak many different languages to assist you. Our firm is A-V rated, and we have 27 years of experience. Call us at 202-331-3074.

We succeed when others don't!

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**H-1B Season For Filing
Starts On April 1, 2010**

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March 2010





H-1Bs are temporary work status for persons filling jobs requiring a minimum of a bachelor's degree. They can be renewed for up to 6 years and longer when a Perm is also filed

according to certain requirements. The petitioning employer must pay the employee the prevailing wage for that state and job description.

In prior years, the H-1B's were gone in one day. Last year they were gone by December 2009. This year it looks like employers will need to be ready to file the H-1B's on April 1 in order for employees to start work on OCTOBER 1, 2010, as the numbers may quickly be used up for the year.

Under the ICERT Portal System LCA's are taking at least 7 days to get approved, so it is advisable to file the LCA 3-4 weeks in advance, which means NOW.

There are two numerical caps for H-1Bs. 1) general cap of 65,000 2) Master's cap of 20,000 for those with a higher degree for US University. To be eligible for this category, you would need to be employed by a US company in a professional position that relates to your Bachelor's degree. If you do not have a bachelor's degree you may still qualify if you have sufficient professional work experience in the area.

On January 8, 2010, the employer-employee relationship CIS memo for adjudications of "Third-Party Site Placements" makes it more difficult for staffing firms who hire professionals to work at third-party worksites to obtain H-1B status for the employee. The memo states that these companies must demonstrate "control" over the employee's work. The purpose is to avoid beneficiaries rather than the petitioning company from controlling the work.

Cap exempt petitions include the following:

- Extensions of stay
- Change of employers (except for cap-exempt to cap-subject job)
- Persons working at non-profit research institutions
- Persons working at governmental research institutions
- Certain physicians who have J waivers
- Persons working at universities or university related or affiliated jobs
- Concurrent employment where the worker's first job is for cap-exempt employer

CHILE and SINGAPORE nationals, due to the Free Trade

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Quote of the Month

If we had no winter, the spring would not be so pleasant; if we did not sometimes taste of adversity, prosperity would not be so welcome.

~Anne Bradstreet

BOILA Honors the Memory of Mr. Asa Fukuhara



BOILA mourns the passing of Mr. Asa Fukuhara, husband of Ms. Catherine Rono, both beloved clients of our firm. Mr. Fukuhara was killed tragically in a hit-and-run incident on February 18, 2010 in Maryland. Mr. Fukuhara was a federal government employee, a loving husband, and a great friend. He and Ms. Rono were married on August 7, 2009 in New York. Asa will be missed by many. The thoughts and prayers of us at BOILA are with the Fukuhara family.

"Although it's difficult today to see beyond the sorrow, may looking back in memory help comfort you tomorrow."

~Author Unknown

Agreement between the US and their country, only use less than 1000 numbers each year. However, they get the first chance at 6,800 H-I-B1 visa numbers.

Attention Asylum Applicants - New Policy Announced



Immigration and Customs Enforcement (ICE) has announced that a new policy has been put in place for "aliens who arrive in the United States at a port of entry and are found to have a credible fear of persecution or torture." This policy came into effect on January 4,

2010. Below is a list of changes:

1. Old Policy: When the above-described aliens arrived at US ports, they were required to request parole in writing.

New Policy: When the above-described aliens arrive at US ports, they will automatically be considered for parole without having to submit a written request.

2. Old Policy: ICE officers were permitted to grant parole to the above-described aliens based on "a determination of public interest." However, the concept of public interest was not defined.

New Policy: Public interest has been defined as "paroling arriving aliens found to have a credible fear who establish their identities, pose neither a flight risk nor danger to the community, and for whom no additional factors weigh against their release."

3. New Policy: Quality assurance is heightened and new safeguards are assured, "including monthly reporting by ICE field offices and headquarters analysis of parole rates and decision-making, as well as a review of compliance rates for paroled aliens."

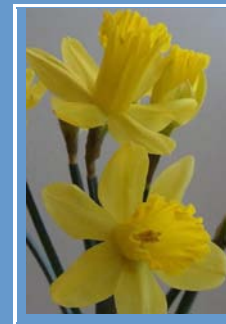
To read the full article, please go to <http://www.ice.gov/pi/news/factsheets/credible-fear.htm>.



Happy St. Patrick's Day

What is the History of St. Patrick's Day?

Every year on March 17th we wear green and celebrate St. Patrick's Day. But who is St. Patrick and what is St. Patrick's Day all about? Although he is the patron saint of Ireland, nobody really knows his life story. As a result, many stories and legends revolve around him, such as the myth proclaiming him the hero who banished every single snake from Ireland. For hundreds of years, the Irish celebrated St. Patrick's Day as a religious holiday, commemorating St. Patrick's death. On this day, they would normally go to a church service in the morning, and then have the celebration in the afternoon, when they would dance in the streets and feast on Irish bacon and cabbage. To see the full articles and to read more about St. Patrick's Day, visit www.history.com/topics/st-patricks-day.



The End Of U Interim-Relief

The U nonimmigrant interim-relief program was created by the United States Citizenship and Immigration Services (USCIS) to provide temporary benefits to certain crime victims until regulation for U visas were decided upon and published. USCIS has now published those regulations. Anyone who has failed to file a Petition for U

New Supreme Court Law



The Supreme Court has made a decision that brings good news to asylum applicants all over the United States! In *Kucana v. Holder*, Mr. Kucana filed a motion to reopen his asylum case because he had new evidence he wanted to present to the immigration judge. The immigration judge denied Mr. Kucana's motion to

reopen, so Mr. Kucana submitted an appeal to the Board of Immigration Appeals, where it was denied yet again. Mr. Kucana proceeded to appeal to the Seventh Circuit, which ruled that it did not have jurisdiction to review his case. According to law, the decision to grant or deny a motion to reopen lies within the discretion of the Board of Immigration Appeals, and courts are not permitted to review actions of the Attorney General. This case was then heard by the Supreme Court. The resulting decision was that those aliens whose motions to reopen get denied by immigration judges will now be able to appeal to the federal courts if the immigration court refuses to hear their appeal.

SPEEDY CITIZENSHIP FOR MEMBERS OF THE MILITARY

The Department of Homeland Security (DHS) has published a new rule that speeds up the naturalization process for immigrants who serve in the military. Before this publication was announced, military members who served during peacetime and members of the Ready Reserve of the US Armed Forces had to wait for three years before they could apply for naturalization, as stated in the National Defense Authorization Act of 2004. Now, these members only have to wait for one year before they can apply for naturalization. Those members who have served in an active duty or in the Selected Reserve at any time period since September 11, 2001, are now exempt from any waiting period and can file for naturalization immediately. It would be an honor for the lawyers and staff of BOILA to work with these brave men and women of the U.S. Armed Forces in helping them with obtaining citizenship in the country that they so honorably defend.



Nonimmigrant Status (I-918) or a Petition for Qualifying Family Member of U-1 Recipient (I0918, Supplement A) by February 1, 2010 will no longer receive interim relief. Aliens will continue to be eligible for these interim-relief benefits if they were already receiving them, but only for as long as their I-918 petition remains pending.



Bread Recipe
by: Jim Lahey

Our staff has recently tried this delicious bread recipe and shared it with some of our clients. A few days later, we were getting calls from other clients asking for this recipe. As so many of our clients liked this bread, we felt we would share it with the rest of you. This recipe was created by Jim Lahey, and was taken from the New York Times. Copy and paste the link below into your browser to see the recipe. Happy baking.

www.nytimes.com/2006/11/08/dining/081mrex.html?_r=1

New Relief For US Citizen's Spouse Or Child (K Visas)

As of February 1, 2010 if you are the spouse or child of a US Citizen, you can now come and stay in the US WHILE your Alien-Relative Petition is still pending. Before the child can be issued the K-4 visa the parent must be in K-3 status.

A relative petition must have been filed to receive this visa. You must apply for these visas at an American embassy, and once the NVC receives the immigrant and non-immigrant petitions it will process the non-immigrant petition. If the immigrant I-130 petition has been approved, then the availability, as well as the need for the K-3 visa, ends and the non-immigrant K visa will be administratively closed.

Certain documents and procedures are required. **To avoid leaving your spouse or child in your home land instead of having them present with you in the US, please contact dbeach@beach-oswald.com.**

Jobs And Immigrants

There are many people who believe immigrants take jobs away from native-born Americans. Especially now that the unemployment rate in the United States is at 10%, immigrants are being looked upon with more disdain than ever. This belief, however, is not true. Immigrants are not responsible for the high employment rate in the United States. In fact, it is typically the countries with the lowest immigrant populations that have the highest unemployment rates, while countries with highest immigrant populations have the lowest unemployment rates.

But do the immigrants steal the jobs away from native-born citizens? No. When comparing employed immigrants and unemployed native-born citizens, there is a much larger portion of immigrants that have bachelor's degrees than the native-born citizens. Thereby, these two groups would not be competing in the same job markets, so the immigrants are not stealing jobs away from the unemployed natives. But what about the workers who don't have a bachelor's degree? Studies show that there is little employment competition between immigrants and natives who don't have a college degree or even a high school diploma. Why? Because they tend to live in different locations from each other and have different work experience.

In fact, not only do immigrants not hurt the native-born citizen population, but they help it. Studies have shown that legal immigrants higher their education, work their way up financially, and invest in themselves and their

communities. These immigrants are predicted to add a minimum of \$1.5 trillion to the United States Gross Domestic Product throughout a ten-year period. Also, according to a Economic Policy Institute report, dated February 2010, the employment of immigrants has increased wages for native-born citizens from 1994 to 2007. Thus, it would be beneficial to all for the US to welcome immigrants and create an easier legalization process for them. The only other alternative is deportation, which costs American taxpayers about \$41.2 billion annually. Not only does this take away tax money from other government programs, but it also hurts the economy. In addition, deporting illegal immigrants would result in a \$245 billion Gross Domestic Product loss. In conclusion, immigrants are highly beneficial to the US economy and their removal from the US would only be damaging to the economy.

To read the full article and to see which studies were consulted in its writing, please visit <http://www.immigrationpolicy.org/just-facts/immigration-reform-and-job-growth>.

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