

Immigration Alert!

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October 24, 2008

KEY IMMIGRATION UPDATE:

Increased Period of Stay for TN Workers

USCIS has now increased the maximum period of time a Trade-NAFTA (TN) professional worker from Canada or Mexico may remain in the U.S. from **1 year to 3 years** before seeking readmission or obtaining an extension of stay. This rule change also changes the **initial period of TN Workers to 3 years**, making it equivalent to the initial period of admission given to H-1B professional workers.

All approved TN petitions received by USCIS after October 16, 2008, will be granted for the period requested, or 3 years, whichever is less.

Visa Waiver Program – 7 Additional Countries

In about one month, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and South Korea shall be admitted to the U.S. Visa Waiver Program. Soon the citizens of these nations will be able to travel to the U.S. for business or tourism without a visa for up to 90 days. However, no changes of status or extensions are permitted.

Visa Waiver Program e-Passport

As of October 26, 2006, any passport issued on or after this date by a Visa Waiver Program country must be an e-Passport for Visa Waiver travelers to be eligible to enter the U.S. The e-Passport must have an integrated computer chip carrying your biographic information.

Employment Based 3rd Preference Category Reopened

The employment based 3rd Preference category has reopened for professionals and skilled workers. Currently USCIS is processing immigrant visas from: mainland China with priority dates in February 2002; India with priority dates in October 2001; Mexico with priority dates in September 2002; Philippines with priority dates in May 2005; and all countries not previously listed with priority dates in May 2005. Please click on the following link for most recent information on the availability of immigrant numbers for November 2008: http://travel.state.gov/visa/frvi/bulletin/bulletin_4371.html

AAO Processing Times

Administrative Appeals Office Processing times for the following:

I-129, H-1B	Nonimmigrant Specialty Occupation Worker:	9 Months
I-129, L	Nonimmigrant Intracompany Transferee:	Current
I-140, EB1 (A)	Alien with Extraordinary Ability:	18 Months
I-140, EB1 (C)	Multinational Manager or Executive:	Current
I-140, EB2 (D)	Advanced Degree Professional:	18 Months
I-140, EB2 (I)	National Interest Waiver:	Current
I-140, EB3 (E),(G)	Skilled, Professional, or Other Worker	18 Months

New J-1 Program with Ireland

The U.S. and Ireland will soon begin to implement a 12 month Intern Work and Travel Program for post secondary student or young people within 12 months of graduation. This program is set to be launched in late 2008 or early 2009. Further details will soon become available.

New J-1 WEST Program with South Korea

The WEST (Work, English Study, Travel) Program will allow up to 5,000 qualifying university students and recent university graduates from the Republic of Korea to enter the United States for a period of 18 months on J-1 exchange visitor visas that will allow them to study English, participate in internships and travel independently. Participants will devote at least 450 classroom hours to structured English language training and coursework focusing on American business practices and business procedures, U.S. corporate cultures, and general office management issues. This program will be launched in 2009.

Rupee Exchange Rate in India

Effective, October 24, 2008 all United States Consular Sections in India will adjust the consular exchange rate from Rs. 50 to the dollar to Rs. 54 to the dollar.

New SEVIS Fees for Students & Exchange Vistors

Effective, October 27, 2008:

Foreign citizens applying to become F or M students or J exchange visitors will begin to pay the following fees:

I-901 F-1/M-1 Visa Applicants:	\$200
I-901 J-1 Visa Applicants:	\$180

DOS Publishes Final Rule Requiring Certification of Certain Foreign Health Care Worker

The Department Of State published a final rule requiring certain foreign health care workers to present either a CGFNS certificate, or a certificate from another DHS/HHS approved credentialing organization, establishing competency in a specific health care field.