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LL.M. Law Group
Immigration News
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Updated April 22, 2008

USCIS provides updated average processing times for U.S. naturalization applications at local offices. Click [here](#) to download the latest USCIS processing times.

Updated April 20, 2008

The Department of Homeland Security announced that Secretary Chertoff signed a Visa Waiver Program Memoranda of Understanding (MOU) with the Korean Minister of Foreign Affairs and Trade Yu Myung-hwan. Please click [here](#) to read the press release.

Immigration and Customs Enforcement (ICE) issued a FAQ regarding the increase in SEVIS fees. Please click [here](#) to read the press release.

USCIS conducts lottery for H-1B visa applications

The press release from the U.S. Citizenship and Immigration Services states as follows:

U.S. Citizenship and Immigration Services (USCIS) today conducted the computer-generated random selection processes on H-1B petitions, to select which H-1B petitions for fiscal year 2009 (FY 2009) would continue to full adjudication. If approved these H-1B petitions will be eligible to receive an H-1B visa number.

USCIS conducted two random selections, first on petitions qualifying for the 20,000 "master's or higher degree" (advanced degree) exemption, and second on the remaining advance degree petitions together with the general H-1B pool of petitions, for the 65,000 cap.

The approximately 163,000 petitions received on the first five days of the eligible filing period for FY 2009 (April 1 through April 7, 2008) were labeled with unique numerical identifiers.

USCIS has notified the appropriate service centers which numerical identifiers have been randomly selected, so each center may continue with final processing of the petitions associated with those numerical identifiers.

Petitioners whose properly filed petitions have been selected for full adjudication should receive a receipt notice dated no later than June 2, 2008. USCIS will return unselected petitions with the fee(s) to petitioners or their authorized representatives. As previously announced, duplicate filings will be returned without the fee. The total adjudication process is expected to take approximately eight to ten weeks.

For cases selected through the random selection process and initially filed for premium processing, the 15-day premium processing period begins today (April 14), the day of the random selection process.

USCIS has "wait-listed" some H-1B petitions, meaning they may possibly replace petitions chosen to receive an FY-2009 cap number, but that subsequently are denied, withdrawn, or otherwise found ineligible. USCIS will retain these petitions until a decision is made whether they will replace a previously selected petition. USCIS will send a letter to the wait list petitioners to inform them of their status USCIS expects that for each of these wait-listed petitions, it will either issue a receipt notice or return the petition with fees within six to eight weeks.

USCIS Releases New Version of Medical Examination Form

USCIS posted a new version of Form I-693, Medical Examination of Aliens Seeking Adjustment of Status, to its website. Previous versions of the form will be accepted until May 1, 2008.

Customs and Border Protection News. CBP Announces Global Entry Pilot Program

On April 11, 2008, Customs and Border Patrol announced that the Global Entry pilot program (also known as the International Registered Traveler program), is scheduled to launch in summer 2008. The program is designed to expedite the screening of low-risk, frequent international "trusted" travelers entering the United States. Please click [here](#) to download the FAQ.

Updated April 13, 2008

USCIS announces the preliminary number H-1B petitions received during the filing period ending on April 7, 2008. Click [here](#) to download the USCIS press release.

USCIS has released a new version of Form I-765, Application for Employment Authorization. The new version will be required starting May 9, 2008. Please visit www.uscis.gov to download the latest version of the form.

USCIS has released Questions and Answers regarding the Extension of Optional Practical Training for Qualified Students. Click [here](#) to download the Q&A.

USCIS projects shorter naturalization application processing times. Please click [here](#) to download the USCIS press release that shows a 13-15 month processing time, 3 months better than its last projection 6 months ago.

USCIS announces plan to eliminate FBI background check backlog. Please click [here](#) to download the USCIS press release concerning its plan to eliminate the FBI name check backlog.

DHS Announces Release of No-Match Supplemental Proposed Rule. A March 21, 2008, Department of Homeland Security press release announced the release of a no-match supplemental proposed rule, following the August 2007 final rule, which was temporarily enjoined by a California District Court. Click [here](#) to download the DHS press release.

USCIS Confirms that Naturalization Interviews Are Being Scheduled for Weekends and After Hours. USCIS posted a notice to its website advising that naturalization interviews are being scheduled for weekends and after hours to address the increase in naturalization applications received in FY 2007.

H-1B visa cap reached. U.S. Citizenship and Immigration Services (USCIS) announced that it has received enough H-1B petitions to meet the cap for fiscal year 2009. USCIS also received more than 20,000 H-1B petitions under the "advanced degree" exemption. Click [here](#) to read press release.

Updated April 6, 2008

17-Month Extension of Optional Practical Training for Certain Highly Skilled Foreign Students

The U.S. Department of Homeland Security released today an interim final rule extending the period of Optional Practical Training (OPT) from 12 to 29 months for qualified F-1 non-immigrant students. The extension will be available to F-1 students with a degree in science, technology, engineering, or mathematics who are employed by businesses enrolled in the E-Verify program.

“This rule will enable businesses to attract and retain highly skilled foreign workers, giving U.S. companies a competitive advantage in the world economy,” said Homeland Security Secretary Michael Chertoff. “By extending the training period by an additional 17 months to students who are employed by businesses enrolled in E-Verify, we are further ensuring a legal workforce in the U.S. and aiding good corporate citizens.”

Another aspect of the rule responds to the situation in which an F-1 student’s status and work authorization expires before he or she can begin employment under the H-1B visa program. The interim final rule addresses this problem by automatically extending the period of stay and work authorization for all F-1 students with pending H-1B petitions. The rule will also implement certain programmatic changes, including allowing students to apply for OPT within 60 days of graduation.

To be eligible for an OPT extension, an F-1 non-immigrant student must:

- Currently be participating in a 12-month period of approved post-completion OPT;
- Have successfully completed a degree in science, technology, engineering, or mathematics (STEM) included in the DHS STEM Designated Degree Program List from a college or university certified by the U.S. Immigration and Customs Enforcement's Student and Exchange Visitor Program;
- Be working for a U.S. employer in a job directly related to the student's major area of study;
- Be working for, or accepted employment with, an employer enrolled in U.S. Citizenship and Immigration

Services' E-Verify program. E-Verify is a free, internet-based system operated in partnership with the Social Security Administration that helps employers to determine the employment eligibility of newly hired employees; and Properly maintain F-1 status.

The interim final rule and additional information on the H-1B program is available at www.dhs.gov .

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