

COUNSEL

October 2005

Paschal Nwokocha Law Offices, LLC.

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About Counsel

A newsletter publication of Paschal Nwokocha Law Offices, LLC, Counsel is dedicated to the needs and interests of our clients and subscribers.

Each issue of Counsel explores specific areas of immigration law, which may be of personal or business interest to its readers.

Counsel does not constitute legal advice. Readers are urged to consult an attorney before acting on any information contained in this publication.

Our Mission

At Paschal Nwokocha Law Offices, our mission is to provide the highest quality professional, client-driven legal services to businesses and individuals at reasonable rates.

We believe the Immigration and Nationality laws of the United States should work for our clients, *not* against them. And we employ all available tools to seek the best possible solutions on their behalf.

Immigration News

H-1B Cap is Reached

USCIS has issued a notice indicating that there are now sufficient cap-subject H-1Bs in the pipeline to fill the fiscal year 2006 quota--a fiscal year that does not even start until October 1, 2005. Petitions filed after August 10, 2005, will be rejected. Those received on that date will be subject to a "random selection process."

This means that professional workers subject to the 65,000 visas cannot be hired by employers until October 2007. Of course, there are some exceptions: 20,000 for employees with advanced degrees from U.S. universities; exemptions to the cap to universities and university related job and exception for non-profit or governmental research institutions.

USCIS Extends TPS Designation for Somalia & Liberia

With TPS designation for Somalia set to expire next month, USCIS extends this designation for one year, until September 17, 2006. The re-registration deadline is September 27, 2005.

The Department of Homeland Security (DHS) today announced a 12-month extension of Temporary Protected Status (TPS) for Liberia until October 1, 2006. Under this extension, those who have already been granted TPS are eligible to live and work in the United States for an additional year and continue to maintain their TPS status. Persons covered by this extension must promptly re-register with USCIS.

Criminal Law Practice

Our office handles criminal cases in federal and state courts. Although most of the criminal work we handle relates to our clients with immigration issues, we also handle criminal cases for U.S. citizens. We

represent individuals during plea negotiations, trials, sentencing and appeal. We also have extensive experience in filing post-conviction motions in both federal and state courts. The cases our office handles range from minor traffic violations to violent crimes and federal drug cases.

Please call us at 651-917-0020 or email us at counsel@paschal-law.com for more information.



Removal Proceeding

We represent individuals in all aspects of removal proceedings, from hearings before the Immigration Judge to appeals in federal appellate courts. The types of removal cases our office handles include: asylum; withholding of removal; Convention Against Torture; cancellation of removal for lawful permanent residents and non-lawful permanent residents, Violence Against Women Act (VAWA) cases; and adjustment of status (including any waivers that may be required). We also represent individuals who are in removal proceedings due to criminal convictions.

We can represent individuals in immigration courts throughout the United States. Although our main office is located in St. Paul, Minnesota, we represent clients in cases in immigration courts throughout the country.

Our firm also handles appeals to the Board of Immigration Appeals. If an individual loses his/her case before the Immigration Judge, he or she has 30 days to file an appeal with the Board of Immigration Appeals. This is an extremely important aspect of the case because the Immigration Judge's decision is not always correct.

Our firm also handles appeals from the Board of Immigration Appeals' decisions in the federal appellate courts. If the Board of Immigration Appeals denies a

case, an individual can file a

Petition for Review with the federal appellate court having jurisdiction over the person's removal case. This must be done within 30 days of the Board's decision. If the Board of Immigration Appeals has denied your case, you should immediately contact our office to review your case to determine whether you should file a Petition for Review with the federal appellate court. We have successfully challenged the Department of Homeland Security and the United States Department of Justice in Federal Courts. Moreover, there have been many recent favorable decisions from federal appellate courts providing hope even after the Board denies an appeal. Our office represents clients in federal appellate courts throughout the United States.

Our firm also handles other litigation in federal courts regarding removal cases and other decisions of the Department of Homeland Security that we believe are erroneous. **Please call our office at (651) 917-0020 or email us at counsel@paschal-law.com for more information.**



Demystifying the Process: How to File for an R.N. Living Abroad.

Now, after successfully immigrating 200 RNs, here's an outline of the current, cumbersome 10-step program used to immigrate RNs who are residing abroad:

1. Submit Form I-140 to appropriate CIS Service Center - Remember to do the proper posting (or serve the bargaining representative if the RNs are unionized), obtain a prevailing wage determination from the state workforce agency. Also, remember that the RN must have

"a full and unrestricted license" in the state of intended employment, or have a CGFNS Certificate or have passed the NCLEX-RN examination.

2. After the I-140 is approved (possibly after responding to a couple of RFEs) in 3-6 months, wait another month or two, and you will receive a letter from the National Visa Center (NVC) in New Hampshire asking you to pay the appropriate filing fees for the RN and her family members to a P.O. Box, not in New Hampshire, but in Missouri. No checks are accepted, only money orders or cashiers checks.

3. FedEx the money to the NVC ASAP.

4. Wait another month, and you will receive another missive from the NVC in New Hampshire containing applications for immigrant visas and alien registration, part I & II (Form DS-230), a barcode sheet and a list of documents that the RN and her family will need to produce.

5. FedEx the DS-230 (Part I only) and the barcode sheet to NVC (New Hampshire) ASAP.

6. Wait another 2-3 months, and you will receive still another letter from the NVC in New Hampshire requesting all of the original documents required for the immigrant visa interview in Manila, New Delhi or wherever. Also, NVC will request a copy of the biographic data page of the applicant's passport, including the expiration date of the passport for each IV applicant. (This is not how it works for London and most European posts. You will get a letter from NVC stating that the case has been transferred to the proper consulate and then a letter from the U.S. Embassy with the visa instruction package. You do not send anything to NVC.)

7. FedEx all of the above documents to the NVC.

8. Wait another month, and you will receive another letter from the NVC (I am NOT kidding you!) containing an immigrant visa appointment at the U.S. Consulate abroad, instructions for the medical exam, and a request for

two color photographs.

9. Appear at your interview with your passports and your VisaScreen Certificate.

10. A week or so following your interview, you will receive a packet. Buy your plane tickets to fly to the U.S.

(Courtesy, Shusterman, Carl)

PERM: Very Attractive Way to Permanent Residency

In the January 2005 issues of Counsel, we discussed the one of the major changes in the immigration laws in years: .

PERM ---"Program Electronic Review Management" It became effective on March 28, 2005. For a complete copy of the detailed analysis of the provision, visit our website at Paschal-law.com and read the archive edition of Counsel.

PERM appears to be an excellent opportunity to eligible applicant to get Permanent Residency in the United States. For instance, Licensed Practical Nurses (LPN) who are in status can get get work authorization cards in less than (6) months, and a green card through the process without having to wait for several years of Labor Certification as was the case before PERM became effective.

Though the process may seem intimidating, it is a big improvement from the previous labor certification process. Early indications show that the process is working well. The initial problems with the process seem to have been resolved by the DOL.

If you are in the country in legal status, or your business is considering employing some foreign nationals, PERM may apply to you. In that case, do not hesitate to contact us for more information. It serves the long term interest of both employers and employees.

20,000 New H-1B Visas Released by Government-update

On May 2, 2005, the CIS issued regulations implementing the "H-1B Visa Reform Act of 2004" and allowing U.S. employers to petition for an additional 20,000 H-1B workers starting on May 10, 2005.

Since the law became effective on March 8, 2005, employers have wondered how to petition for new H-1B employees in the absence of regulations. After some contradictory memos issued by the CIS, the new regulations provide that only persons with Masters or higher degrees from U.S. universities may qualify for H-1B status under the new law.

However, it is apparent that the jobs they fill need not require more than Bachelors degrees as minimum entry requirements.

The regulations suspend e-filing of H-1B petitions, but permit premium processing. We recommend that anyone serious about obtaining H-1B status under this program use premium processing as it is expected that the 20,000 numbers will not last long.

Since we initially announced this new program in our newsletter, we have been successful in securing H-1B for our clients under this program. We encourage all who may be eligible, especially since the FY 2006 H-1B visas have been exhausted already, to seriously consider the option. Even if the person is on Optional Practical Training (OPT), this remains the best way to secure the H-1B status. Otherwise, the person will have to wait until October 2007 before he or she can work, and even then, he or she hopes that the visa is still available.



Did you know?..

- Claiming to be a United States citizen on the Form I-9 (usually completed when people start work) can result in harsh consequences in immigration. In some circumstances, it can bar the person from getting any type of immigration benefits in the United States.
- INFOPASS: The Immigration Service now requires most people to have scheduled appointments before they can come to the immigration office to inquire about their case.

Reader's Corner

Readers are encouraged to send questions and comments to Counsel at Paschal Nwokocha Law Offices.

To subscribe to or unsubscribe from Counsel, or to receive copies of Counsel for your business, please send your request to:

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Free 24-hour information on immigration law

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1334	Questions to ask about legal issues

Step 1: Dial 763.586.5700

Step 2: Enter the 4-digit code from the table above corresponding to the topic of interest.

If you need legal services relating to immigration or other legal issues and would like to schedule a consultation...

Call us for an appointment

651.917.0020

**Paschal Nwokocha
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St. Paul, MN 55114

Visit us on the Web:

www.Paschal-Law.com

***We solve Immigration
Problems!***

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