

# COUNSEL

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f 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.

## Another fee Increase

The Immigration Service has announced fee increase for most petitions. The new fees go into effect on July 30, 2007. All applications filed on or after that date must include the new fees or they will be rejected. Some petitions saw more than a 50 percent increase in fees. For instance, Permanent Residency status application fees have gone from \$325 to \$930, while citizenship application fees will go from \$330 to \$595.

At Paschal Nwokocha Law Offices, we believe that the increase in fees is unfortunate and unnecessary. It was less than four years ago that we witnessed the last substantial increase in fees. These increases bear no correlation to the service the Immigration Service renders. This will end up hurting those most in need in this country—immigrants. It seems the Service is taking advantage of its captured clients—immigrants who have no other option but to take out loans and work extra hours just to pay these outrageous fees. For eligible clients, we will work to get them exempt from the fees.

If you or your family has been postponing filing any petition, we recommend the petition be filed before the fees are increased.

## Comprehensive Immigration Reform in Congress

This year appears to be a pivotal year in the struggle for Comprehensive Immigration Reforms (CIR). The STRIVE Act (The Security Through Regularized Immigration and a Vibrant Economy Act, H.R. 1645) is a bipartisan comprehensive immigration reform bill that was introduced in the House by Rep. Jeff Flake (R-AZ) and Rep. Luis Gutierrez (D-IL) on March 22, 2007. Though not perfect, STRIVE addresses some of the vexing issues we have had in the

immigration laws in the past several years. It is not amnesty!

We urge our readers to contact their congressional representatives and ask them to support Comprehensive Immigration Reform. Once congress comes back from the Memorial Day recess, we expect a flurry of activities on CIR. Once a final bill is signed, we will provide a special edition of Counsel dedicated to the new law.

On a related issue, our office, in conjunctions with 8 other law firms, have proposed two bills to members of congress to deal with issues specific to sub-saharan Africans in the United States. The Liberian Adjustment and Relief Act (LARA) is modeled after the Nicaraguan Adjustment and Central American Relief Act of 1998. LARA would grant Lawful Permanent Residency Status to nationals of Liberia, Sierra Leone, Somalia, Sudan, Burundi, and Rwanda, who were granted Temporary Protected Status in the United States, and who have remained (or will remain) in the country without lawful status.

It is our informed opinion that 2007 is the year for immigration reform. The president is in support of the reforms. The atmosphere in the U.S House is much better than it was last year; and the senate is on record as supporting immigration reform. If we don't get the reform by the end of this summer, then it may not happen until 2009, as the presidential election will be the subject from Fall of 2007 till January of 2009, when the new president will be sworn in.

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### **H-1 Visas Exhausted by April 4, 2007.**

Just as we predicted in our H-1b alert, which we sent out in March 2007, the Immigration Service received more H-1b visa applications for the 2007 fiscal year within 72 hours than the program

was permitted to accept. According to the Service, by April 4, 2007, it had more than 65,000 visa applications.

It is imperative that all of us, in our respective ways, express to congress the need to make more H-1b visas available to foreign workers. There is an obvious need for the services of these workers. Protectionism can never be the answer. A return to the era when we had more than 165,000 H-1b visas must be a starting point.

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### **Immigration Service Proposes Extensive Changes to the Religious Worker's Petition.**

In our last newsletter, we announced that the Immigration Service suspended premium processing of Religious Worker petitions and that the entire program was under scrutiny by the Service.

In April 2007, the Service announced proposed changes to the Religious Worker program. These could be the most extensive changes to the program since its inception. Among other things, the Service would require a) all petitioners under the program to have a stand-alone 501(c)(3) organization; b) limit the period of initial admission on R-1 status to one year, instead of the current practice of 3 years; c) require all petitioners to provide an attestation in support of the petition; and d) require petitioners to provide evidence of compensation in the form of W-2 forms in the event the organization intends to extend the period of stay of a person on R-1 status. Each of these proposals could have far reaching consequences for religious organizations, especially the smaller entities with limited resources. These proposals would entail additional expenses in Internal Revenue Service fees, immigration fees and

attorney's fees.

Another significant proposal is to require any organization that wants to sponsor a Religious Worker on R-1 status to file a petition with the Immigration Service. Upon approval of the petition, the worker can then go to the U.S. consulate overseas for visa. Currently religious workers can go a U.S consulate with necessary supporting documents to get R-1 status. If this proposal becomes law, such practice will no longer be available.

Our office has weighed in with our comments. Our office files more religious worker petition than most Immigration Law Firms in Midwestern region of the United States, and considering our experience in representing dozens of religious organization all over the country, our perspective is indeed critical. Consequently, our office has prepared and submitted detailed comments on this proposal. We specifically expressed our concerns on several elements of the proposal, and made specific recommendations on how to accomplish the goals the government wants without undermining the policy and objectives of the Religious Worker program.

If you need a copy of our proposal, call the office and we can mail or e-mail it to you.

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### **New Procedure in the Deportation and Removal Department.**

In November 2006, the Immigration and Customs Enforcement office introduced a draconian process in the detention and removal section. The new process affects most people who have their cases before the Immigration Court. Individuals will now have to be fingerprinted and "idented." The Officers would then have to determine whether to put the individual in custody or

under Intensive Supervision Program. (ISAP). Under ISAP, the individual is put on ankle bracelet for the first one month of the program and is also required to personally report to the local office three times a week for the first month.

Individuals exempt from this draconian process are those who were previously detained by the Immigration Service or who have been “identified” in the past.

At Paschal Nwokocha Law Offices, we believe this is one of the most ridiculous waste of resources by the government we have recently seen. This seems to be a bureaucratic attempt to make ISAP relevant and justify its existence. Otherwise, there is no reason why someone who has had their case before the Immigration Service, and who has complied with the Immigration laws and conditions, should be put on such a program. Most immigrants are law abiding and would appear at the Immigration Service upon request. Thus, there is no need to humiliate them through this absurd program. We will continue our effort to see that this program is eliminated or scaled down.

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## Announcements

This month saw several changes at Paschal Nwokocha Law Office.

Our suite number has changed. We are now in suite E140. The rest of the address remains unchanged.

Mr. Nwokocha was elected the Vice Chair of American Immigration Lawyers Association MN/DK chapter. AILA is an umbrella organization of more than 10,000 immigration attorneys and professors in the United States and overseas. The Minnesota-Dakota chapter is one of the most active chapters with membership of more than 200 lawyers resident in Minnesota,

North and South Dakota and Western Wisconsin. It is indeed a privilege to be elected by colleagues to serve in this role, and Mr. Nwokocha looks forward to applying his skills and knowledge to see that the affairs of the organization and the welfare of immigrants receive the attention they deserve.

## Staffing News

This month witnessed another period of growth in the law office. We added two more people to our staff: Ms. Brissa Donis joined our office as a paralegal. Fluent in English and Spanish, Ms. Donis comes to us with more than 5 years of working in the area of Immigration law, with special emphasis in family based petitions and deportation/removal proceedings. She earned her bachelors degree in Business Administration from UNIVA, Mexico.

Maribel Bueno also joined our firm as a paralegal. Maribel comes to us with experience working with clients with diverse background in Immigration law. She is fluent in English and Spanish.

Please join us in welcoming Brissa and Maribel to our office.

As we continue to grow, we are committed to providing the most professional, efficient legal services our clients have come to expect from us.

***Paschal, Jitla, Brissa and Maribel.***

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At the 22 annual asylum conference organized by the renowned Minnesota Advocates for Human Rights hosted in Minneapolis, Mr. Nwokocha was honored to be one of the guest speakers. He spoke on the issues on bond and custody for immigrants in removal proceedings. More than 100 immigration lawyers, professors, professionals and law students attended the conference



## *Did you know?..*

- **Contact with Government Agent:** - An alien does not have to talk to an Immigration Agent. There is no obligation to volunteer any information to the office who accosts.
- **Criminal Conviction:** The consequences of a criminal conviction can go beyond the criminal court and extend to immigration. It is imperative that an alien who is going through any criminal proceeding engage the services of a professional knowledgeable on both subjects. Otherwise, once a plea is entered in the criminal case, it may be too late for any immigration attorney to help.
- **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.

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## *Reader's Corner*

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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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***Visit us on the Web:***

## TPS Update

Temporary Protected Status (TPS) for Certain Nationals of Honduras, Nicaragua and El Salvador.

On May 2, 2007, the DHS announced that it was extending TPS for certain nationals of Honduras, Nicaragua and El Salvador for another 18 months.

As we announced, TPS status for Liberians will terminate effective October 1, 2007. All Liberians on TPS status must start exploring their immigration options for maintaining status in the United States. They should request for a complete copy of the immigration file from the Immigration Service and consult with knowledgeable professionals.



*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**

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*Visit us on the Web:*

**[www.Paschal-Law.com](http://www.Paschal-Law.com)**

***We solve Immigration  
Problems!***

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