

# COUNSEL

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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.

## New Immigration Laws

In October 2008, congress passed and the president signed a new set of laws on immigration extending some expiring provisions. The important ones are: extension of the non-minister religious worker visa from October 1, 2008 to March 6, 2009. Also extended till March 2009 is the EB-5 visa program, which allows foreign nationals to invest significant sums of money in the United States in order to obtain Permanent Residency status.

These extensions fall short of our expectations. The religious visa extension was conditioned on the Secretary of Homeland Security (DHS) implementing, within 30 days, the anti-fraud regulations that have been pending within the department for more than one year. It is known that out-going administrations tend to push through less-than-perfect regulations in their last days in office. With the conditions on the religious worker extension, congress seems to be encouraging that type of action. This has the potential of forcing the DHS to rush through proposed regulations that immigrants and religious organizations have issue complained as complex, in some sections, unduly burdensome.

This legislation begs serious questions for the future. What happens if new regulations are not implemented? Would all non-minister religious workers have to wait till March 2009 before their petitions can be processed and approved? Will the Immigration Service be rejecting all applications filed in the meantime? The answer to these and other questions are still unclear.

The EB-5 extension is less complicated. All petitions filed and pending will continue to be processed and adjudicated until March 2009. For foreign nationals with \$500,000 to \$1m to invest in the United States, there should be no problems. At Paschal Nwokocha

Law Offices, we have established beneficial relationships with businesses and firms to assist foreign investors in this regard. Contact us if you need more information about the EB-5 program.

## **Immigration in the Historic 2008 Presidential Elections**

We encourage our clients and their families who are eligible to vote to exercise this right. In this election, a lot of things are at stake. It is important to review where the candidates stand on issues, including immigration, before voting. Go to the candidates' websites to learn more.

www.barackobama.com  
www.johnmccain.com

From our review of their websites, this is what we know about the candidates stand on immigration, excerpted from the websites:

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### **Barack Obama**

#### **Create Secure Borders**

Obama and Biden want to preserve the integrity of our borders. He supports additional personnel, infrastructure and technology on the border and at our ports of entry.

#### **Improve Our Immigration System**

Obama and Biden believe we must fix the dysfunctional immigration bureaucracy and increase the number of legal immigrants to keep families together and meet the demand for jobs that employers cannot fill.

#### **Remove Incentives to Enter Illegally**

Obama and Biden will remove

incentives to enter the country illegally by cracking down on employers who hire undocumented immigrants.

#### **Bring People Out of the Shadows**

Obama and Biden support a system that allows undocumented immigrants who are in good standing to pay a fine, learn English, and go to the back of the line for the opportunity to become citizens.

#### **Work with Mexico**

Obama and Biden believe we need to do more to promote economic development in Mexico to decrease illegal immigration.

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### **John McCain**

#### **Securing Our Borders First**

John McCain's top immigration priority is to finish securing our borders in an expedited manner. Governors of border states will be required to certify that the border is secure. Steps to border security include:

- Setting clear guidelines and objectives for securing the border through physical and virtual barriers.
- Ensuring that adequate funding is provided for resources on the ground, but also training facilities, support staff and the deployment of technologies.
- Dedicating funding to US Attorney's offices in border states.
- Implementing sound policies for contracting Department of Homeland Security software and infrastructure.
- Deploy Unmanned Aerial Vehicles and other aircraft where needed and appropriate in the border region.
- Continue implementation of

the US-VISIT comprehensive visitor security program.

#### **Comprehensive Immigration Initiatives for a Secure Nation**

#### **Once the borders are secure, John McCain will:**

##### Prosecute "Bad-Actor"

Employers. John McCain will implement a secure, accurate, and reliable electronic employment verification system to ensure that individuals are screened for work eligibility in a real-time fashion. John McCain will use this new system in conjunction with other Department of Homeland Security resources to identify and aggressively prosecute employers that continue to hire illegal immigrants.

##### Meet America's Labor Needs.

John McCain will implement temporary worker programs that will reflect the labor needs of the United States in both the high-tech and low skilled sectors while protecting the employment opportunities for US workers:

- Highly Skilled workers
- Low-skilled non-agricultural workers
- Low-skilled agricultural workers

##### Address the Undocumented.

John McCain will address the fact that we have a large number undocumented individuals living in the United States and working in our economy:

- His program will also ensure that all undocumented aliens either leave or follow the path to legal residence. America cannot permit a permanent category of individuals that do not have recognized status – a permanent second class.
- In addition, the program will provide a system that is fair,

humane, realistic, and ensures the rights of the individual and families will be protected.

**Eliminate the Family Backlog.**

John McCain will commit to clearing out the backlog of individuals that are waiting legally outside of the country, some for up to 20 years, for their green card number to become available



These two campaigns have different views on today's immigration problems. They realize the need to reform the immigration system, but while Obama would initiate these reforms without pre-conditions, McCain would wait for the governors of the border states to "certify" that the borders are secure before he would initiate any reform. That is totally unacceptable, and deviates from Comprehensive Immigration Reform we have advanced.

We believe the Obama stand on immigration is comprehensive, and is responsive to the realities the United States and immigrants face, as well as the changing global market place. It is indeed absurd to wait for the governors to certify that the borders are secure before addressing the overwhelming immigration problems facing this country.

The political reality is that a McCain administration will find it difficult to confront the immigration problems because of his party base, which has been hostile to Comprehensive Immigration Reforms. His party has been very shortsighted in its approach to immigration reform.

We therefore endorse Obama's immigration plan.



**November 2008 Visa Bulletin: Shocker for Religious Workers**

Each month, the State Department issues a bulletin, with projection of which category of immigrants to whom it will be issuing visas.

On October 15, 2008 the State Department issued the visa bulletin for November. A striking development is that the visa or Religious Workers changed from "Current" to "Unavailable." What this means is this: anyone with approved Form I-360 petition must file before November 15, 2008. Otherwise, the applications may be rejected for visa unavailability.

To see the current visa bulletin, visit our website at [www.Paschal-law.com](http://www.Paschal-law.com), and click on "Visa Bulletin."



**CIS INCREASES PERIOD OF STAY FOR TRADE-NAFTA PROFESSIONAL WORKERS FROM CANADA AND MEXICO**

Effective October 15, 2008 professional workers from Canada or Mexico on TN visas may remain in the United States for up to three years at a time. This final rule changes the initial period of admission for TN workers from one to three years, making it equal to the initial period of admission given to H-1B professional workers. Eligible TN nonimmigrants may now be allowed to receive extensions of stay in increments of up to three years, instead of the prior maximum extension period of stay of one year.

This positive development will reduce the administrative and financial burden on businesses and employees who were used to annual extension of TNs. The TN nonimmigrant classification is a visa category available to eligible Mexicans and Canadians with at least a bachelor's degree or appropriate professional credentials who work in certain qualified fields pursuant to the North American Free Trade Agreement (NAFTA). Qualified professions identified within NAFTA include, but are not limited to, accountants, engineers, attorneys, pharmacists, scientists, and teachers.



***Did you know?..***

- Paschal Nwokocha Law Offices, LLC is a unique law firm serving individuals and businesses in the following areas:
  - **Immigration Law**
  - **Family Law**
  - **Criminal Law**
  - **Business/civil court cases**

Do you know that foreign businesses can open operations in the United States and transfer key employees and their families to run the operation?

Contact us for more information, or visit our website for any immigration issues.

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

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

**Disclaimer**

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## Recent Success Story

Upon his return from a visit to his home in Vietnam, our client was arrested and detained by the Immigration and Customs Enforcement because of a 1990 drug conviction in Maryland. The Immigration Service initiated proceedings to remove him from the United States to his home country. Not only did we get his criminal case closed and the outstanding warrant against him recalled, but following thorough preparation, trial and argument before the Immigration Court, the court agreed to give our client another chance. The Immigration Judge reinstated his Lawful Permanent Residency status. He was received in the warm embrace of his family and friends following more than two months of detention.



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

**Call us for an appointment**

**612.465.0060**

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*Visit us on the Web:*

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