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The Immigration Newsletter

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INVESTOR VISAS: New Interest in EB-5

The recent worldwide devaluation of the dollar has facilitated the possibility to invest in the United States. Investors who are willing to invest \$ 500,000 in certain rural or targeted areas or \$ 1,000,000 in any location has now made the elusive resident status a real and tangible possibility. The residency is issued conditionally for two years after USCIS has assessed that certain criteria has been fulfilled. After these two years, the applicant can then request a removal of conditions in order to obtain an unconditioned permanent residency.

The requirements of this petition are:

- * Investment at risk of the required amount;
- * Creation of employment for, at least, 10 U.S. citizens, residents, or individuals authorized to work;
- * Proof of the legal source of the investment.

Call 713.527.9606 for more information

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LATEST NEWS

- U.S. Citizenship and Immigration Services (USCIS) announced on July 24, 2008 a revised list of vaccines for applicants seeking to adjust to become legal permanent residents.
- USCIS will extend the validity of initial work authorization documents for refugees to two years after arrival in the U.S.
- USCIS announced that on June 16, 2008, it will begin accepting Premium Processing Service requests for Form I-140 (Immigrant Petition for Alien Worker) filed on behalf of alien workers who are near the end of their sixth year in H-1B nonimmigrant status.
- USCIS announced that students under certain criteria will be eligible to extend their Optional Practical Training (OPT) beyond the initial one (1) year period.

- U.S. Customs and Border Protection (CBP) recently launched the Global Entry™ pilot program designed to expedite the screening and processing of low-risk, frequent international "trusted" travelers entering the United States.
- USCIS announced guidelines for a new special immigrant visa for certain Iraqi nationals who worked for, or were contractors of the U.S. government in Iraq for at least one year after March 20, 2003.
- The U.S. Department of State and the U.S. Department of Homeland Security launched a new U.S. Passport Card. This wallet-sized document for land and sea travel between the U.S., Mexico, Canada the Caribbean and Bermuda will not be valid for international travel by air. The card costs \$45 for first-time adult applicants and \$35 for children under 16. Adults who currently have passports can obtain such a card for \$20.
- U.S. Immigration and Customs Enforcement (ICE) launched its "Scheduled Departure Program" as a method of enforcing orders of removal without the arrest and detention of non-criminal fugitive aliens. This program has proven unsuccessful during the first days of implementation since less than ten (10) people have applied for said program.

MYTHS & TRUTHS

It is a myth that if you were born in the USA with the assistance of a midwife, you will always automatically qualify for a U.S. passport.

It is a myth that you can always waive any misrepresentation made to the U.S. government.

It is a myth that "Exclusion", "Deportation", and "Removal" mean the same. "Exclusion" and "Deportation" are concepts that existed prior to 09/30/1996. "Removal" is a concept that began after said date.

It is a myth that a permanent resident could petition for her parents and siblings. A permanent resident can only submit a family petition on behalf of her spouse and unmarried children. Only U.S. citizens could petition for parents and siblings.

FOR YOUR BUSINESS

H2-B Visas

33,000 of 66,000 visas for certain temporary workers (H2-B) have already been processed by USCIS. You can still begin your petition for the second half of FY 2009 for the remainder of the 33,000 visas.

Criminal Charges for Employers

If a company hires more than 10 employees knowing that they are undocumented, the employer could face criminal charges.

Special Visas for Mexicans and Canadians

The North America Free Trade Agreement (NAFTA) created the TN visas for Mexican and Canadian professionals (such as architects, lawyers, engineers, accountants, etc). There is not a cap limiting the amount of TN visas issued per year.

DID YOU KNOW THAT...?

Investor Visa

If your country of citizenship has a commercial treaty with the U.S., and you plan to set up a commercial enterprise in the U.S., you could obtain an investor (E-2) or treaty trader (E-1) visa.

H1-B Visa

This temporary visa is available at any time of the year if the petitioner is an institution of higher education, or a related or affiliated nonprofit entity, or a nonprofit research organization, or a governmental research organization. Otherwise, the H1-B visa is limited to 65,000 per year plus 20,000 for individuals with a Master's degree.

Domestic Violence

Individuals that are or were victims of domestic violence can petition the USCIS for eligibility to acquire a classification that can eventually lead to resident status under the Violence Against Women Act (VAWA).

Undocumented Individuals

If you are in the U.S. without status and you are the named beneficiary of a family petition (Form I-130), an employment application (Form ETA-750) or a special immigrant petition (Form I-360) initiated before April 30, 2001, you are eligible to adjust status in the U.S. in order to obtain legal permanent residency. This is true even if you abandoned the original petition or application and began a new one.

About Adan G. Vega

Adan G. Vega is an attorney certified by the Board of Legal Specialization of the State Bar of Texas and has practiced more than 29 years exclusively in the area of Immigration and Nationality Law.

FOR A CONSULTATION,
PLEASE CALL **1 (888) 7 ADANVEGA**

RECENT CASES REPRESENTED BY OUR LAW OFFICES

National Interest Waiver

USCIS approved a National Interest Waiver exemption for a Medical Pediatric Researcher / Clinical Biomedical Scientist.

Late Amnesty

A late amnesty case has been approved by USCIS for a citizen from Pakistan who has been in the U.S. since 1981.

Labor Certification

A labor certification has been approved by the Department of Labor for a position of "Personal Secretary" residing within the same household of the employer.

Another labor certification has been approved by the Department of Labor for a "Licensed Surgical Assistant" with an M.D. (Doctor of Medicine) obtained in Mexico.