



"VOICE OF THE IMMIGRANTS & DEDICATED TO THE LEGAL EXCELLENCE"
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U.S. IMMIGRATION NEWSLETTER is the E-Newsletter regarding U.S. Immigration Laws, News & Issues compiled by GLOBAL LAW CENTERS on a Bi-weekly basis and special news issues are sent when important immigration news arises. It is a must reading for potential immigrants, employers and human resources managers. It provides analysis of the latest developments in U.S. immigration laws. Information provided in this newsletter is general information only and may not apply to any particular set of facts or situations.

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CONSULTATION: GLOBAL LAW CENTERS (Toll free: 1-800-605-5801), assists in obtaining visas, permanent residence, and citizenship status, i.e., green cards, work permits and other non-immigrant visas on behalf of individuals, as well as for corporate, business, academic, scientific, governmental and non-profit clients. Successful immigration starts with a law firm solidly grounded in experience and commitment; a firm that both excels and understands the diverse needs of global clients. While Global Law Centers are experts in handling all aspects of employment-based and business immigration, we are also widely known as a firm willing to take on, and who successfully tackle, not just the ordinary, but the extraordinary situations that can arise. At Global Law Centers, all our cases and clients are given continuous, full and individualized attention; communication is of the 'highest priority'; and we bring years of experience to each and every matter. Global Law Centers takes pride in representing clients from all nationalities and locations anywhere in the United States or abroad on employment based U.S immigration matters. Our philosophy is simple: we care about our clients. Please contact our office to schedule one time free consultation with no obligation. You will have an opportunity to speak in depth of your case with our office & discuss your immigration plans and alternatives.

Section 1 - Department of State releases November 2008 Visa Bulletin-Minimal Movement in the EB-2 and EB-3 Categories.

The U.S. Department of State (DOS) released the [November 2008 Visa Bulletin](#) on October 14, 2008. Visa dates are announced by the DOS every month. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Should it become necessary during the monthly allocation process to immediately retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

Slight movements can be seen in the EB-3 Categories for all countries and EB-2 categories for India & China, however most

advancement varies by as little as 3 or 4 months. Unfortunately if you fall into the "other worker" category, visa numbers have only moved forward by a mere two weeks.

Since there are so many I-485's and I-140's that are pending which have not been adjudicated at the service centers, and the U.S. Department of Labor has consolidated the two PERM processing centers into one, backlogged cases have been increasing in great numbers. USCIS intends to digest these cases before they see many new I-140's come in. Therefore, most likely, we will not see a significant move for EB-2 visa numbers in the near future. Unfortunately, we also predict that the EB-3 category will continue to move slowly. It may be some time before the bulletin begins to show even the slightest recovery of the cut-off dates.

Make sure to stop by our website for the latest updates and information on the DOS Visa Bulletins. Pursuant to INA 245(a)(3), aliens with priority dates prior to the cut-off dates shown on the Visa Bulletin will be eligible to file adjustment of status (green card) applications during the month of October 2008.

Section 2 - USCIS Increases Period of Stay for Trade-NAFTA Professional Workers from Canada and Mexico.

The USCIS has recently increased the maximum period of time a Trade-NAFTA (TN) professional worker from Canada or Mexico may remain in the U.S. before seeking readmission or obtaining an extension of stay. The final rule now allows TN workers to initially enter the U.S. for up to three years, making it equal to the initial period of admission given to H-1B professional workers. Previously, TN workers were only eligible to enter for a period of up to one year.

This change has also made it possible for eligible TN non-immigrants to extend their stay in increments of up to three years instead of the prior maximum period of stay of one year.

The TN nonimmigrant classification is 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. This final rule will ease administrative burdens and costs on TN workers. It will also benefit U.S. employers by increasing the amount of time TN non-immigrants will be able to work for them before having to seek an extension of status.

Spouses and unmarried minor children of TN non-immigrants in their corresponding nonimmigrant classifications will also benefit from the new regulation.

Section 3 - President Signs Conrad 30 Program Extension and Religious Worker Extension Act.

The President this month signed off on the Conrad 30 (physician immigration program) until March 6, 2009. The program had originally began its sunset on June 1, 2008 making the need to extend extremely urgent. Conrad 30 doctors are permitted to remain in the US after their graduate medical training programs end on the condition that they will be working in areas considered to be medically underserved. Each state can sponsor up to 30 doctors per year under the program and all 50 states and four US territories have established Conrad programs.

One major change in the program is the increase in flex slots which will help hospitals and their employees. Under current rules, each state has five "flex" slots they can use for facilities that are not in federally designated shortage areas if the state health officer certifies that the doctor is serving a substantial patient population coming from designated shortage areas. This is often the case for physicians working in regional health facilities or at university hospitals serving large regional populations. Hospitals can now utilize 10 flex slots which will make a substantial difference for their patient capacity.

In addition to the above act, the president also signed the Religious Worker Visa Program (RWVP) to be extended through March 6, 2009, when several other immigration provisions also will be considered for a longer extension.

Under this important program, up to 5,000 permanent immigrant visas are available each year for religious workers employed by a broad range of religious denominations and organizations. Religious communities nationwide participate in the program and have

found these special visas vital to carrying out their work.

Section 4 - President signs Military Personnel Citizenship Act.

This month, President Bush signed the National Defense Authorization Act which allows certain eligible spouses of members of the U.S. armed forces to naturalize abroad without traveling to the United States for any part of the naturalization process.

To be eligible for naturalization abroad, lawful permanent resident spouses of members of the U.S. armed forces, who live abroad on official military orders, must meet the requirements of either section 316(a) or 319(a) of the INA at the time of filing.

Section 319(a) applies to individuals who have been lawful permanent residents for three years as the current spouse of a **U.S. citizen and continues to be married to that U.S. citizen spouse**. Section 316(a) applies to spouses who have been lawful permanent residents for five years.

For naturalization purposes, the time eligible spouses have spent abroad on official military orders may count for both continuous residency and physical presence in the United States.

Individuals applying for naturalization abroad as the spouse of a member of the armed forces must live in marital union with that member of the armed forces. However, involuntary separations due to circumstances beyond their control, such as military deployments, do not prevent naturalization.

A spouse of a member of the armed forces must have official military orders authorizing them to accompany their spouse abroad, and must accompany or live with that member of the armed forces as provided in those orders.

Section 5 - USCIS to Delay Implementation of Direct Mail Program for N-400 Application for Naturalization.

Last month the USCIS had announced that starting on October 14, 2008, all N-400 Naturalization applications would have to be filed with a lockbox according to their state of residence. However, USCIS announced on October 9th, just a few days before implementation, that they will have to delay the Direct Mail Program until further notice.

USCIS is delaying implementation of this new filing procedure to conduct additional tests of the technology involved. Applicants for naturalization should continue to submit their Form N-400 according to the instructions on the form until further notice. In almost all cases, this means applicants will submit their N-400s to a USCIS Service Center.

Section 6 - Have an immigration question? Visit our Forums!

Global Law Centers understands how complicated the immigration process can be, and we would like to take this opportunity to introduce you to our forums designed to assist you with your immigration inquiries in many different ways.

Feel free to interact and exchange your ideas and information regarding immigration. We offer forums on a variety of topics regarding the many types of visas available and welcome all unique ideas that may result from these open discussions.

Sign up now at [GLC-Forums](#) and get to know different people with different backgrounds, but similar interests from around the world!

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We hope that our newsletter will educate you and hopefully enhance your understanding of Immigration laws. To read more information please visit [GLOBAL LAW CENTERS](#) website.

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