

IMMIGRATION NEWS

Volume 2, Issue 3 Calderon Law Firm news@calderonlaw.com

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GREEN CARDS

The Green Card process with an employer sponsor is a 3-step process:

First Step: Labor Certification

The Labor Certification is filed with the Department of Labor and may take up to a year depending upon the state and location where you file it. It may be filed as a "regular" or "RIR" which is a fast track filing. In the Maryland, VA, DC and PA area, the Labor Certifications take about 2-3 months for an approval.

Second Step: Immigrant Petition

The I-140 Immigrant Petition is filed with INS and takes from 6-8 months for an approval.

Third Step: Adjustment

You may choose to adjust in the USA or with Consular Processing.

Employment-based Timetables

	China	India
2 nd Preference	6/01/1999	01/01/2000
3 rd Preference	04/15/1998	03/08/1997

all other countries are CURRENT.

H-1B UPDATE

American Competitiveness in the 21st Century

New H-1B Law

Some important features of this new law:

- 1. This law took effect on October 18, 2000 and the increase in the INS Filing Fee is effective on December 17, 2000.*
- 2. increases the H-1B cap to 195,000 until 2003.*
- 3. portability of the H-1B: allows a current H-1B holder to change employers and start to work as soon as the INS receipt notice is received.*
- 4. H-1B status may be extended beyond the six year limit if the Labor Certification has been on file for more than 365 days.*

LABOR CERTIFICATION PROCESSING TIMES

REGION 1 BOSTON	12-18 months
RIR	5-6 months
REGION 2 NEW YORK	36-48 months
RIR	8-12 months
REGION 3 PHILADELPHIA	current
RIR	current
REGION 4 ATLANTA	15-27 months
REGION 5 CHICAGO	22-30 months
REGION 6 DALLAS	14-28 months
REGION 7 KANSAS CITY	12-20 months
REGION 8 DENVER	33-36 months
REGION 9 SAN FRANCISCO	40-50 months
REGION 10 SEATTLE	not available

NOTE: This newsletter is meant for your information. The contents may not be used as legal advice or relied upon as legal advice. The INS and DOL have complex and confusing rules. It is advisable to consult with an Immigration specialist to determine how the rules apply to your particular case.

Types of Visas

F-1 Student visas: when an F-1 student applies for a position with a company, they may (or may not) have a Work Permit. When a position is offered to the F-1 student, the interviewer may ask the student whether he/she has a valid Work Permit and a copy of the Work Permit should be filed with the I-9 upon hire. On the Work Permit is an Expiration Date. It is critical to look at the expiration date and note it on the I-9 because when the Work Permit expires, the holder may no longer work unless the employer has filed for an H-1B.

Green Card Holders

EMPLOYER'S CORNER

Small Business Employers

I-9s

Be sure to attach the H-1B Transfer's receipt to the I-9 until the actual H approval is received. If you need assistance with the I-9 procedure, call my office at (202)338-5559.

For an accurate Education Credentials Evaluation, email eve@calderonlaw.com