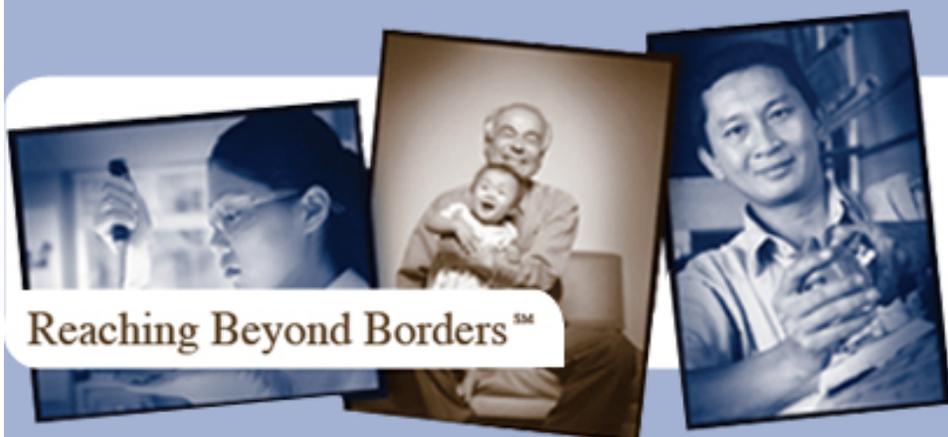


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Immigration News Update

March 30, 2010

Welcome to Immigration News Update, your resource for the latest developments in U.S. immigration laws, procedures, and breaking news. Immigration News Update is published bi-monthly by Bashyam Spiro, a firm committed solely to the practice of Immigration and Nationality Law. To further explore what is happening in immigration across our nation and the world follow us on [Twitter](#) and [Facebook](#).

Have an immigration question? Direct message your questions to us on [Twitter](#). Your answers may be featured in our next *Immigration News Update!*

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Bashyam Spiro LLP handles U.S. immigration cases in all 50 states and around the world. We are located at The Summit Building, 4101 Lake Boone Trail, Suite 200, Raleigh, North Carolina 27607. Telephone: 919-833-0840. Web Site: www.bashyamspiro.com.

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Letter from Murali Bashyam

As the health care debate finally subsides, I am curious to see if President Obama turns to immigration reform. In this challenging political and economic climate, I am not confident that reform will happen before the November elections. But, as they say, anything is possible.

Last year, Representative Luis Gutierrez introduced an [immigration reform bill](#) in the House. And just a few weeks ago, Senators Charles Schumer and Lindsey Graham released their [blueprint for immigration reform](#), which will hopefully result in a bill being introduced in the Senate. If and when a Senate bill is introduced, the immigration reform process will formally begin.

Until reform happens, it is likely that Immigration and Customs Enforcement (ICE) will continue focusing on deporting illegal aliens. Mass deportations, which began towards the end of the Bush Administration, have increased under President Obama.

I just read a [Washington Post article](#) that discussed how ICE was actually going after 'easy' deportation cases in order to fulfill self-imposed deportation quotas. It takes longer to deport an alien who is a dangerous criminal, so ICE has decided to go after aliens with status violations. Whatever works to satisfy the quota, right?

It saddens me when I read articles like this - I can only imagine the good families that are being torn apart because of something as arbitrary as a Government quota. We are talking about people losing families and livelihoods here. This has to stop and only smart immigration reform can do it.

Our law firm recently sponsored a bus to transport people from North Carolina to Capitol Hill for a peaceful demonstration in support of comprehensive immigration reform. The March 21 rally drew hundreds of thousands of people from across the country. The more people that raise their voices, the better the chance immigration reform will happen. It is up to all of us to help parents, children, brothers, sisters, businesses and our economy. Immigration reform can do that. Our country is a country of laws, and it is sometimes necessary to change them when they no longer work. Smart immigration reform is the right thing for America.

Sincerely,
Murali Bashyam
Managing Partner
Bashyam Spiro LLP

Free Webinar April 14: A Guide to Sponsoring Your Fiancee or Spouse

Register Now by clicking [HERE](#)

Have you just gotten married or engaged to an immigrant in the U.S. or overseas? Is your immigration attorney telling you that the process is not as easy or as quick as you had once thought? One of the main challenges for U.S. citizens and U.S. permanent residents who have a foreign born spouse or fiancé is determining how best to bring them to the United States or obtain permanent residency for them.

This one-hour online seminar will provide virtual attendees an overview of the family-based immigration process as it relates to a foreign spouse or fiancé. We will also discuss the various strategies couples should consider when going through the immigration process in the U.S. or abroad. Our attorney will take questions and answers from participants following the web presentation.

Title: *Fiancee and Marriage Visas: A Guide To Sponsoring Your Fiancee or Spouse*

Date: *Wednesday, April 14, 2010*

Time: *12:00 PM – 1:00 PM EDT*

VSC Updates Filing Location for H-1B Cap Cases

The Vermont Service Center (VSC) had advised that new H-1B applications that are subject to the H-1B cap should be filed at the following addresses:.

H-1B Regular Cap

USCIS

VSC

Attn: H-1B Cap

4 Lemnah Drive

St. Albans, VT 05479-0001

H-1B U.S. Master's Exemption Cases

USCIS

VSC

Attn: H-1B U.S. Masters Cap

4 Lemnah Drive

St. Albans, VT 05479-0001

The VSC filing addresses for all other H-1B petitions remains the same as it was in FY 2010.

We will provide additional information at www.bashyamspiro.com as it becomes available.

CSC Practice Pointer on I-129 Work Locations

The California Service Center (CSC) recently provided a pointer on how employers and attorneys should complete the section of Form I-129 that asks for the number of employees. While the I-129 form only asks for the full number of employees at the company in Part 12, CSC recommends that you list the number of employees on-site versus off-site as separate figures. For example, the section could be completed as "70 in US, 12 at worksite."

CSC adjudicators have used public sources such as Google Earth to confirm information. If

the petition states that an employer has 82 employees but the office space is only 2000 square feet, it presents an obvious inconsistency that could result in a Request for Evidence (RFE). By listing the number of employees in this manner, an employer could perhaps prevent an RFE on this issue.

We will provide additional information at www.bashyamspiro.com as it becomes available.

Immigration Tip: AC21 Portability Letter

Under AC21, an employee can 'port' to a new employer and retain their 'green card' application if their 1) I-140 has been approved, 2) I-485 adjustment has been pending for over 180 days, and 3) new job is the same or similar to the one listed in their labor certification or I-140 application.

We have often been asked whether the new employer should proactively send an employment confirmation letter confirming the above to the United States Citizenship and Immigration Service (USCIS.) This is often known as the AC21 portability letter.

We believe that it is always good practice to send this letter to the USCIS once employment has been changed. The Texas Service Center (TSC) recently said that although there is not an affirmative requirement to provide such notification to USCIS, if you want to provide an AC21 letter confirming change of employment to send the letter to the I-485 post office box address at TSC: P.O. Box 851804, Mesquite, Texas 75185-1804.

Greece Joins Visa Waiver Program

Department of Homeland Security (DHS) Secretary Janet Napolitano announced the designation of Greece as a member of the Visa Waiver Program (VWP). As a part of the VWP, Greek citizens will be permitted to travel to the United States for up to 90 days without obtaining a visa.

With this announcement, Greece joins the 35 nations already participating in VWP—established as a pilot program in 1986 to help eliminate unnecessary barriers to travel, and made permanent on October 30, 2000. Like VWP travelers from other countries, Greek citizens will be required to apply for an Electronic System Travel Authorization (ESTA) through the Web-based system. Greek citizens will be able to visit the United States without visas in approximately 30 days.

To learn more about the VWP, please click [here](#).

Blog Post: Sound Accounting, Serene Life

By Lydia Salett

I'm fairly new to the immigration law environment, but as an Accountant handling money for a business can be stressful regardless of where you work or how the economy is doing.

So, how do I balance all the stresses of life and work?

I play music...

For the past couple of years I've been studying jazz piano at a local university and let me tell you this subject matter requires quite a bit of discipline. But when it's time to perform, it's all worth the effort. To me, performing means providing an atmosphere of escape and serenity for others, and for myself.

When it comes to performing, there have been times when I've been stressed, hoping that it would not be a disaster due to my feelings of inadequacy or lack of preparation. But even in those situations things just have a way of working themselves out. Jazz is the type of music that, in my opinion, will always be around. So even if I'm still able to perform at 80 years of age, it will be a genre of music that most people enjoy.

There's nothing like inviting co-workers, during a weekday, to a restaurant where I'm performing and hearing my colleagues conversing and laughing louder than any other person in the establishment (now that's priceless). It just lets me know that they are all de-stressing after a long and hard day at work.

Last year, I found out Murali Bashyam, the firm's Managing Partner, played the guitar. I brought a CD to work and asked him if he would consider playing on a gig with me. I only wanted him to do one song. I mean, he once released a CD with his band, so playing guitar with me should not be so hard, right? Well, he basically chickened out by telling me he had a lot of work to do and would not have time to practice.

I then shifted my focus to Pam Prather, our Client Relations Manager, who's always singing or humming a tune around the office. Pam used to be a singer in a rock band back in the day, and is naturally gifted in the vocals department. I am picturing her under the lights, singing jazz standards while I accompany her on the piano.

So along with performing my daily accounting duties, I'm secretly working on a plan to get her behind a microphone. It's one of those things that you just have to wait to see how it plays out.

HELPFUL LINKS

To access some helpful immigration related web sites, please click [here](#).

To schedule a consultation, please send an email info@bashyamspiro.com or click [here](#).

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