

S. 3245 WAS SIGNED INTO THE LAW BY PRESIDENT OBAMA ON FRIDAY, SEPTEMBER 28TH, 2012. THE VISA EXTENDS THE EXPIRATION DATES OF THE EB-5 REGIONAL CENTER PROGRAM, THE SPECIAL IMMIGRANT NON-MINISTER RELIGIOUS WORKER PROGRAM, AND THE CONRAD STATE 30 J-1 VISA WAIVER PROGRAM

By

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On September 28, 2012, President Obama signed into law an extension of several important immigration law programs.

The EB-5 Regional Center Program, similar to the EB-5 Investor Program, enables stimulation of the U.S. economy by overseas investors, the difference being that the EB-5 Regional Center Program is provided for by “The Immigrant Investor Pilot Program” through investments that are affiliated with an economical unit known as a “Regional Center”. Under the main EB-5 Investor Program, minimum investment of \$1 million dollars is required. However, under the Regional Center Program, minimum investment of \$500,000 is required. In both cases, job creation of at least 10 U.S. workers is required. EB-5 Program, which was scheduled to expire on September 30, 2012, has been extended to September 30, 2015.

The Non-Minister Religious Worker Program is able to function by way of a special immigrant category that has been established for foreign national ministers and non-ministers in religious vocations and occupations to immigrate to or adjust status in the United States for the purpose of performing religious work. Although there exists a cap of 5,000 workers who may be issued a special immigrant non-minister religious worker visa during each fiscal year, there is no cap for special immigrant religious workers entering the United States solely for the purpose of carrying on the vocation of a minister. This program, which was supposed to expire on September 30, 2012, has been extended to September 30, 2015.

Finally, the Conrad State 30/J-1 Visa Waiver Program alters the pre-existing requirement for international medical students who have completed their medical education in the U.S. to return to their country of nationality for at least two years before pursuing a career in the U.S. to instead be offered a place in underserved areas of the State. Under the Conrad State 30/J-1 Visa Waiver Program, this home residency requirement can be waived for up to thirty (30) J-1 physicians annually. In exchange, the J-1 physicians must agree to practice medicine full-time at a pre-approved sponsoring site for a minimum of three years. These practice sites must be located in federally designated health professional shortage areas (HPSA) or a medically underserved area (MUA). This program also has been extended to September 30, 2015.

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For more information about any of these programs, please feel free to contact your immigration lawyers and attorneys at Nachman Phulwani Zimovcak Law Group, (NPZ) P.C. at 201-670-0006 (x107) or by e-mail to info@visaserve.com.

SOME OF THE IMMIGRATION RELATED LEGISLATION (JAN. – SEPT. 2012)

The following immigration-related bills were introduced into the House of Representatives and the Senate January 2012-September 2012.

BRAINS Act (S. 3553)

Introduced by Sen. Schumer (D-NY) on September 19, 2012. It provides for immigrants visas for certain advanced Science, Technology, Engineering, and Mathematics (STEM) graduates, student visa reform, age-out protections for children, retention of priority dates, and family reunifications for high-skilled workers.

Strengthening America's Public Schools Through Promoting Foreign Investment Act (H.R. 3983)

Introduced by Rep. Owens (D-NY) on February 8, 2012. It permits a lawful alien who enters the United States on a nonimmigrant student visa to attend a U.S. public secondary school for longer than one year if such alien reimburses the full, unsubsidized per capita cost of providing education at such school for the period of the alien's attendance.

Prohibiting Back-door Amnesty Act (H.R. 3932)

Introduced by Rep. Quayle (R-AZ) on June 18, 2012. It nullifies the following: 1) June 17, 2011 memorandum from Director of ICE regarding exercise of prosecutorial discretion; 2) June 15, 2012 memorandum from Secretary of Homeland Security regarding prosecutorial discretion with respect to individuals who came to the United States as children 3) draft directive developed by CBP containing guidance on when to exercise discretion.

H.R. 5957

Introduced by Rep. Schweikert (R-AZ) on June 18, 2012. It prohibits DHS from granting deferred action or otherwise suspending the effectiveness or enforcement of immigration laws.

Employee Verification (H.R. 6112)

Introduced by Rep. Woodall (July 12, 2012). It requires federal contractors and subcontractors to participate in the E-Verify program. It makes E-Verify permanent.

American Investment and Job Creation Act of 2012 (H.R. 6210)

Introduced by Rep. Conyers (D-MI) on July 26, 2012. It provides an employment-based immigrant visa for an alien entrepreneur who has engaged in a new commercial enterprise that has 1) within the four years prior to the filing of a petition, created full-

time employment for at least five U.S. workers, or in the case of a Distressed Area Development Zone, for at least three U.S. workers; and 2) received enough investment or revenue during this period to support employment creation requirements.

Attracting the Best and Brightest Act of 2012 (H.R. 6412)

Introduced by Rep. Lofgren (D-CA) on September 14, 2012. It provides up to 50,000 visas available to immigrations who 1) possess a graduate degree in STEM fields from qualifying U.S. research institution; 2) have an employment offer from a U.S. employer in field related to degree; 3) are the subject of an approved labor certification; 4) will receive a wage that is at least the actual wage paid by employer to all other individuals with similar experience/qualifications. It makes unused STEM visas available for other employment-based visa categories.