

I made just a few changes to the formatting, text and added the hyperlinks. Unfortunately, video in messages is not currently possible as it requires javascript to embed the video player, and almost all email clients remove javascript from emails for security reasons.

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Immigration News Update

March 18, 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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Join us for a Webinar on March 31 – What Do Changes in H-1B Standards Mean for Employers & Employees?

Please reserve *virtual* space now at:

<https://www2.gotomeeting.com/register/792025747>

In January 2010, the USCIS released a memo defining the employer-employee relationship for the purposes of filing an H-1B application. This memo will have a significant impact on what employers, and especially information technology consulting companies, will have to prove in the H-1B application process.

We will be hosting an informative webinar for H-1B employers regarding the recently issued USCIS guidelines about the employer-employee relationship. This webinar is a must for employers who hire professional workers under the H-1B program.

This FREE webinar will be held on March 31, 2010 at Noon EST and is open to the public.

Sign up now!

Title: *What Do Changes in USCIS H-1B Standards Mean for Employers and Employees?*

Date: Wednesday, March 31, 2010

Time: 12:00 pm – 1 pm EDT

Following your online registration, you will receive a confirmation email containing more information about this web-based seminar.

This is only one in a series of Webinars that Bashyam Spiro will be offering each month throughout the year. Please stay tuned for more information on future Webinar topics.

USCIS To Accept H-1B Petitions on April 1st

U.S. Citizenship and Immigration Services (USCIS) announced that it will begin accepting H-1B petitions subject to the fiscal year (FY) 2011 cap on April 1, 2010. Cases will be considered accepted on the date that USCIS takes possession of a properly filed petition with the correct fee; not the date that the petition is postmarked.

The fiscal year cap (numerical limitation on H-1B petitions) for FY 2011 is 65,000. Additionally, the first 20,000 H-1B petitions filed on behalf of individuals who have earned a U.S. master's degree or higher are exempt from the H-1B cap.

Petitions for new H-1B employment are exempt from the annual cap if the beneficiaries will work at institutions of higher education or related or affiliated nonprofit entities, nonprofit research organizations or governmental research organizations. Petitions filed on behalf of beneficiaries who will work only in Guam or the Commonwealth of the Northern Marianas Islands are exempt from the cap until Dec. 31, 2014. Employers may continue to file petitions for these cap-exempt H-1B categories seeking work dates starting in FY 2010 or 2011.

Petitions filed on behalf of current H-1B workers who have been counted previously against the cap also do not count towards the congressionally mandated H-1B cap. Accordingly, USCIS will continue to process petitions filed to:

- extend the amount of time a current H-1B worker may remain in the United States;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; or
- allow current H-1B workers to work concurrently in a second H-1B position.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields including, but not limited to, scientists, teachers, architects, engineers, or computer programmers.

Stay tuned to www.bashyamspiro.com for additional information.

DOS Releases April 2010 Visa Bulletin

The U.S. Department of State released its April 2010 Visa Bulletin. To view the Visa Bulletin, please click [here](#).

There was not much forward movement from the March Visa Bulletin.

The fast facts are:

Employment-Based Category Two (EB-2):

- China – advanced 1 1/2 months

Employment-Based Category Three (EB-3)

- All Other Chargeability Areas – advanced 1 1/2 months
- China – advanced 1 1/2 months
- India – advanced 2 months
- Philippines – advanced 1 1/2 months

Please stay tuned at, www.bashyamspiro.com. We will keep you updated as further information becomes available.

Latest ‘Immigration Minute’: Notarios vs. Abrogados

Many intending immigrants who would otherwise qualify for immigration benefits discover they will never be successful because an immigration “consultant” or notary destroyed their dreams.

While many legitimate community and religious organizations provide immigration-related services, non-lawyers who advertise as legal “consultants” or “notarios” are not authorized or qualified to help with immigration matters.

It is against the law for “public notaries” or even foreign lawyers who are not licensed in the United States to provide immigration advice.

Only a U.S. licensed lawyer or accredited representative is authorized and qualified to assist with a person’s immigration case. You can verify whether a lawyer is in good standing and licensed to help you by contacting your [state bar association](#) or the [American Immigration Lawyers Association](#).

Our latest [Immigration Minute](#) segment is hosted by our Paralegal, Diana Barrezueta, and contains information, in Spanish, to help Spanish-speaking consumers take action and locate qualified immigration attorneys in their area.

Immigration Tip: How Do You E-Verify an Employee Without an SSN?

[E-Verify](#) cannot be used for employees who do not have a Social Security Number (SSN).

If you are an employer with an employee who has yet to obtain a SSN, you should complete the [Form I-9](#) and wait to run an E-Verify query on that employee until you have received his or her SSN. You should note on the I-9 form why you have not yet run an E-Verify query. Once the employee obtains the SSN, you should run the E-Verify immediately. Until that happens, the I-9 verification process will allow the employee to work temporarily without an SSN.

ICE Services 180 Audit Notices to Businesses in 5 States

[U.S. Immigration and Customs Enforcement \(ICE\)](#) is issuing Notices of Inspection (NOIs) to 180 businesses in Louisiana, Mississippi, Alabama, Arkansas and Tennessee. The notices alert business owners that ICE will be inspecting their hiring records to determine whether or not they are complying with employment eligibility verification laws and regulations.

Inspections are one of the most powerful tools the federal government has to enforce employment and immigration laws. This new initiative is part of ICE's increased focus on holding employers accountable for their hiring practices and efforts to ensure a legal workforce.

Employers are required to complete and retain a [Form I-9](#) for each individual they hire for employment in the United States. This form requires employers to review and record the individual's identity document(s) and determine whether the document(s) reasonably appear to be genuine and related to the individual.

Employers should make sure to complete an I-9 for each employee within 3 days of the date of hire. Employers should also review current I-9 records to ensure compliance with employment verification regulations. If an employer is not sure whether they are in compliance with I-9 regulations, they should contact a qualified immigration attorney.

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

Immigration Benefits Available to Chileans

In light of the recent earthquakes in Chile, U.S. Citizenship and Immigration Services (USCIS) has posted a [reminder](#) to Chileans of U.S. immigration benefits available to them upon request.

USCIS understands that a natural catastrophe can affect an individual's ability to establish or maintain lawful immigration status.

Temporary relief measures available to nationals of Chile may include:

- The grant of an application for change or extension of nonimmigrant status on behalf of a Chilean national who is currently in the United States, even in cases where the request is submitted after the individual's authorized period of admission has expired;
- Re-parole of individuals granted parole by USCIS;
- Extension of certain grants of advance parole, expedited processing of advance parole requests;
- Expedited adjudication and approval, where possible, of requests for off-campus employment authorization due to severe economic hardship for F-1 students;
- Expedited processing of immigrant petitions for immediate relative(s) of U.S. citizens and lawful permanent residents (LPRs);
- Expedited issuance of employment authorization where appropriate; and
- Assistance to LPRs stranded overseas without documents in coordination with the Department of State.

For more information on USCIS humanitarian programs, visit www.uscis.gov or call the National Customer Service Center at (800) 375-5283.

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

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](#).

To learn more about Bashyam Spiro LLP, please visit www.bashyamspiro.com.

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