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**Immigration
Buzz of the
Month**

**It's That Time of
Year Again...**

Dear Robert,

As 2008 comes to a close, our entire immigration team at Szabo, Zelnick and Erickson wishes you a joyous holiday season and a Happy New Year! As I am sure you have noticed, it has been an exciting year in immigration with many new developments and changes. I hope you've found our newsletter relevant, timely and filled with articles of interest. As we close 2008, here are a few more updates and ideas to consider.

Three is Better Than One...

If you are an eligible TN non-immigrant, you may now request an extension of stay for up to 3 years instead of the prior maximum period of stay of 1 year. [Read more...](#)

Is the L Visa Really An Alternative?

In recent years, the L visa categories have been offered as an H-1B alternative and the savior of the business world. With the filing woes created by the annual H-1B cap, the L seems like the perfect option... no cap requirements, no prevailing wage, no degree or equivalency requirements. However, in light of a recent AAO decision regarding L-1B eligibility/ requirements and the recent backlash of USCIS toward L visa filings, is it time to find an alternative to the L? [Read more...](#)

The Importance of Being... Recruiting Strategies to Avoid the H-1B Cap



And we are not talking about last minute holiday shopping. The time to file new H-1B petitions is right around the corner. The U.S. Citizenship and Immigration Services ("USCIS") will begin accepting new H-1B petitions on April 1, 2009. Unless there is a legislative change, U.S. employers will again be faced with the annual quota of 65,000 H-1B approvals, with an additional 20,000 H-1B approvals set aside for individuals with graduate degrees from U.S. universities. If the numbers are anything like last year (163,000 petitions received in the first week, 31,000 of which had U.S. earned advanced degrees), employers will want to start lining up their petitions in early 2009. [Read more...](#)

Quick Links

- [Immigration FYI](#)
- [Visa Bulletin](#)
- [Processing Times](#)
- [Online Case Status](#)

HR Professionals are often faced with the dilemma of how to sponsor foreign nationals for work visas when no work visas are available. Although the H-1B non-immigrant category is one way for employers to build their workforce with foreign professionals, this category is available each year for a limited time only. With the government imposed cap on the number of new H-1B approvals issued each year, not every employee you sponsor will be lucky enough to get an H-1B.

So what can you do in advance to avoid the H-1B mess? [Read more...](#)

To Train or Not to Train That is the Question

In this age of immigration scrutiny and numerical limitations on visas, employers are scrambling to find alternative ways to bring foreign employees to the U.S. Hence, the J-1 trainee visa program has become increasingly attractive.



What is a J-1 trainee visa? [Read more...](#)

New Travel Requirements for VWP

The Department of Homeland Security (DHS) has recently announced their new Electronic System for Travel Authorization (ESTA), which establishes an online system that is part of the Visa Waiver Program (VWP). The DHS requires that VWP participants obtain electronic approval prior to travel under the program. Participants who fail to obtain such approval will be required to apply for a visa.

Use of the electronic system will become mandatory on January 12, 2009. At that point, all VWP participants planning to travel by air or sea to the U.S. will be required to obtain authorization through ESTA prior to such travel. But keep in mind, an ESTA approval is not a visa. [Read more...](#)

With the new administration ready to take office next month, it will be interesting to see the direction they move on the various immigration issues that need attention. Stay tuned, as we will keep you posted.

In addition, we'll be rolling out our immigration blog early next year. This should allow us to have a lively exchange of ideas on the issues

that matter most to you. Again, thanks to everyone for your questions and suggestions for articles... and keep them coming in 2009.

Sincerely,
Jerry

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