

Nachman Phulwani Zimovcak (NPZ) Law Group, P.C.

U.S. and Canadian Immigration and Nationality Newsletter and Update.

Dear Readers:

The U.S. has a well-established innovation economy, similar to other developed nations. But certain challenges exist for countries to attract talent to fuel these industries. Our current immigration system, which Congress has not substantially overhauled in more than two decades, hampers America's innovation economy from adequately attracting and retaining skilled individuals from the global pool of talent. What does this mean for a country such as the United States with a well-established innovation economy as other nations are becoming more welcoming?

Particular immigration policy challenges-related to growing competition among the choice of destination for talented individuals in the global labor market, as well as shaping an attractive, welcoming and inclusive environment-emerge for the U.S. to continue to attract and retain talent from the globally mobile skilled labor force.

Our current immigration system stops America's innovation economy from adequately attracting and retaining skilled individuals from the global pool of talent. While high-tech and other innovative STEM industries have progressed by leaps and bounds over the last two decades, our immigration system has remained stagnant.

Global competition is only becoming fiercer as other countries seek out and implement ways to effectively attract and retain high-skilled talent. If we squander this opportunity to bring our immigration system up to date in a way that benefits everyone - workers, families, employers, and citizens - we are jeopardizing a competitive advantage that has been crucial to establishing the U.S. as a world leader.

For more information about the unquantifiable value of business immigration to the U.S., please e-mail the NPZ Law Group Immigration Lawyers and Attorneys at info@visaserve.com or call us at 201-670-0006 (x107).

IF YOU ARE NOT IN IT . . . YOU CANNOT WIN IT: INSTRUCTIONS FOR THE 2015 DIVERSITY IMMIGRANT VISA PROGRAM (DV-2015).

The Diversity Immigrant Visa Program is administered annually by the Department of State (DOS). Section 203(c) of the Immigration and Nationality Act (INA) provides for a class of immigrants known as "diversity immigrants," from countries with historically low rates of immigration to the United States.

For Fiscal year 2015, 50,000 diversity visas (DVs) will be available. There is no cost to register for the DV Program.

Applicants who are selected in the lottery ("Selectees") must meet simple, but strict, eligibility requirements in order to qualify for a diversity visa. Selectees are chosen through a randomized computer drawing. Diversity visas are distributed among six geographic regions and no single country may receive more than seven percent of the available DVs in any one year.

For DV-2015, natives of the following countries are not eligible to apply, because more than 50,000 natives of these countries immigrated to the United States in the previous five years:

Bangladesh, Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, Ecuador, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Peru, Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

Persons born in Hong Kong SAR, Macau SAR, and Taiwan are eligible.

For DV-2015, natives of Nigeria are no longer eligible.

TO READ MORE, PLEASE CLICK HERE . . .

<http://www.visaserve.com/Diversity-Lottery/DV-2015-Instructions.pdf>

HOUSE IMMIGRATION REFORM PART II 2013: ARTICLE BY THE NPZ LAW GROUP.

This is a continuation of series of articles providing AILA's (American Immigration Lawyers Association) views about various topics contained in Senate Bill S. 744 (passed by the Senate) and the potential for action or inaction in the House of Representatives about immigration reform this Fall.

The Legal Immigration System

America's legal immigration system must be reformed to provide a flexible and smoothly functioning system that meets the needs of our families, the economy, and our society. The visa quota backlogs of years or even decades have forced individuals to choose between life in the U.S. and life with their families abroad. Furthermore, these visa backlogs have hindered or halted business operations and opportunities.

But the problem is not solely with unacceptable backlogs. It is also with the structure of the legal immigration system itself. Only certain people qualify to access our legal immigration system, with many of the people who want to be here legally and who would benefit our economy foreclosed from any means of getting visas. For them, the law has created no "line" to get into, even if they wanted to "do it the right way." And even those who can access the system face so many categorical exclusions and procedural hurdles that they often get derailed along the way.

TO READ MORE, PLEASE CLICK HERE . . .

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<http://www.visaserveblog.com/tp-130301092542/post-130906151850.shtml>

IS THE U VISA FOR YOU? USCIS APPROVES 10,000 U VISAS FOR FOURTH STRAIGHT FISCAL YEAR.

Recently a press release issued by U.S. Citizenship and Immigration Services (USCIS) states that USCIS has approved the statutory maximum of 10,000 petitions for U nonimmigrant status (U visas) for fiscal year 2013.

This marks the fourth straight year that USCIS has reached the statutory maximum since it began issuing U visas in 2008. Each year, 10,000 U visas are available for victims of crime who have suffered substantial mental or physical abuse and are willing to help law enforcement authorities investigate or prosecute those crimes. A U-visa petition requires certification of assistance from a law enforcement official.

TO READ MORE, PLEASE CLICK HERE . . .

<http://www.visaserveblog.com/tp-120911121210/post-130906152154.shtml>

NEW ELECTRONIC APPLICATION FROM DOS: DS-260 IMMIGRANT VISA ELECTRONIC APPLICATION.

Only immigrant visa applicants applying at certain U.S. embassies and consulates where NVC requested fees or documents in October 2010 or later may use the DS-260, Online Immigrant Visa Application.

Review Online Immigrant Visa Forms to learn whether you should use the online DS-260 Form, as well as more important information. DOS issued FAQs that can help the applicant in filling the DS-260 Form.

TO READ THE FAQs, PLEASE CLICK HERE . . .

<http://www.visaserveblog.com/tp-110714115312/post-130913081955.shtml>

CIR NEEDS A BOOST: IS THE HOUSE LOSING FOCUS ON CIR BILL? RALLIES PLANNED ON CAPITOL HILL.

According to a report published on September 5th in New York Times, Comprehensive Immigration Bill supporters are planning to organize a massive rally nationwide next month so as to pressurize the House and focus efforts on the Reform Bill. Rallies will be held in 40 cities on October 5th and a massive rally is being planned on October 8th in Washington DC.

FOR DETAILED INFORMATION, PLEASE CLICK HERE . . .

<http://www.nytimes.com/2013/09/06/us/rallies-for-immigration-overhaul-planned.html>

IT IS THE SECOND BITE AT THE APPLE: CIS IMPLEMENTS CUSTOMER IDENTITY VERIFICATION AT FIELD OFFICES.

Beginning September 9th, 2013, USCIS employed a new verification tool called Customer Identity Verification (CIV) in its field offices. Customers will now submit biometric data, specifically fingerprints and photographs, when appearing at USCIS offices for interviews or to receive evidence of an immigration benefit.

CIV will enhance the integrity of the immigration system and combat identity fraud by allowing USCIS to biometrically verify a customer's identity. Having resolved a technical issue that delayed our original launch, the tool will now be phased in between September 9th and October 21st, 2013 to customers attending an interview or being issued evidence of an immigration benefit.

FOR DETAILED INFORMATION ON HOW IT WORKS AND HOW IT HELPS, PLEASE CLICK HERE . . .

<http://www.visaserveblog.com/tp-120911121210/post-130909122945.shtml>

OCAHO CASE JUDGMENT REVEALS THE IMPORTANCE OF I-9 FORM COMPLIANCE.

The Employment Eligibility Verification Form I-9 is a U.S. Citizenship and Immigration Services form. It is used by an employer to verify an employee's identity and to establish that the worker is eligible to accept employment in the United States.

Recently a case judgment made by the OCAHO against the company that failed to be in compliance with the I-9 regulation. Failure to comply led the company to pay penalties for many observations like company failed to prepare Employment Eligibility Verification Forms (I-9) within three business days of their respective dates of hire, and/or failed to present the forms to ICE upon request and also failure to ensure completion of the employees I-9 forms.

TO READ THE CASE IN DETAIL, PLEASE CLICK HERE . . .

<http://aila.org/content/default.aspx?docid=45722>

****THIS INFORMATION IS PROVIDED COURTESY OF AILA - of which David Nachman, Esq., one of the Managing Attorneys at NPZ Law Group, is the Former State of New Jersey Chapter Chair and Member of the AILA National Board of Governors.*

For more information about the Employment Verification Process or the M-274, Employer's Handbook or the I-9 Form Audit or process, please feel free to contact the immigration lawyers and attorneys at Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. by e-mail at info@visaserve.com or by calling us at 201-670-0006 (x100).

THE NEW FISCAL YEAR COMETH: VISA BULLETIN FOR OCTOBER 2013 IS ISSUED.

The U.S. Department of State (DOS) has released its October 2013 Visa Bulletin which sets out per country priority date cutoffs that regulate the flow of adjustment of status (AOS) and consular immigrant visa applications. Foreign nationals may file applications to adjust their status to that of permanent resident or to obtain approval of an immigrant visa at a U.S. embassy or consulate abroad, provided that their priority dates are prior to the respective cutoff dates specified by the DOS.

In August, the cutoff date in the EB-2 category for individuals chargeable to India advanced by three years and four months in an effort to fully utilize the numbers available under the annual limit. As a result of a decrease in the use of EB-1 numbers and in the use of EB-2 numbers from most other countries, the cutoff date in this category advanced in September by an additional five-and-a-half months, a greater advancement than was anticipated. The October Visa Bulletin indicates no movement of this cutoff date. For October, all EB-1 categories remain current.

Cutoff dates in the EB-3 category for individuals from most countries advanced significantly between April and July. It was anticipated that such movement would result in a dramatic increase in demand within this category within a few months. No such increase has materialized.

The family-based F-2A category for spouses and children of permanent residents is no longer current. The October Visa Bulletin imposes a cutoff date of September 1st, 2013 for individuals from Mexico and a cutoff date of September 8th, 2013 for individuals from all other countries . . .

FOR DETAILED INFORMATION, PLEASE CLICK HERE . . .

http://www.visaserve.com/Visa-Bulletin-Archives/visabulletin_october2013.pdf

OUR IMMIGRATION LAWYERS WILL TRAVEL TO "INCREDIBLE" INDIA TO VISIT FRIENDS, CLIENTS AND CONSULATES AND BRING FRONT-LINE U.S. IMMIGRATION LAW UPDATES IN NOVEMBER, 2013

Nachman Phulwani Zimovcak (NPZ) Law Group is pleased, once again, to announce that, during November 2013, prominent U.S. Immigration Attorneys and Representatives from the NPZ Law Group will be visiting India and meeting with corporate, and other, clients and with U.S. Consulate Officials.

They will visit the U.S. Consulate Offices in New Delhi, Chennai and Mumbai. They will also be visiting clients and friends in Ahmadabad. They will be in India between November 9th 2013 and November 23rd 2013. To schedule a consultation, please contact us by e-mail at info@visaserve.com today.

TO READ MORE, PLEASE CLICK HERE . . .

<http://archive.constantcontact.com/fs147/1011188341227/archive/1114867556169.html>

"IMMIGRATION NEWS AND VIEWS" - NPZ'S NEW PRACTICAL SERIES ON YOUTUBE ABOUT VARIOUS U.S. AND CANADIAN IMMIGRATION LAW ISSUES.

INTRACOMPANY TRANSFEREE VISA - L-1A AND E1-3 AS COMPARED TO EB-5 TYPE OF INVESTOR VISAS FOR THE GREEN CARD.

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<https://www.youtube.com/watch?v=RlzMLPo36BQ>

The petitioner must be a U.S. employer, and it must have done business in the United States for at least one year. Multinational executives and managers require a petitioning employer, but they do not require a Labor Certification.

LIFTING THE CONDITIONS IN A MARRIAGE CASE: I-751, PETITION TO LIFT CONDITIONS.



<https://www.youtube.com/watch?v=xPC73noQKjY>

During the 90 days before the second anniversary of the date you obtained conditional green card you and your spouse must file Form I751, Petition to Remove the Conditions on Residence with the USCIS. Learn the process for Removal of Conditional Residence Status either when the marriage is still ongoing or when the marriage was terminated.

WHAT TO EXPECT AT YOUR MARRIAGE INTERVIEW - I-130/I-485, JOINT FILING.



<https://www.youtube.com/watch?v=IFkb--U1QI0>

The following may trigger suspicion of fraud:
Petitioner and petitioner are of different race or national origin;
Petitioner and petitioner have different addresses.
The couples do not speak the same language.
There is a big difference in age between the Petitioner and petitioner.
They have a difference in the cultural and religious background.
Great difference in educational level between the couple
The application was not properly prepared and may contain inconsistencies.
Understand that it's not one of these factors that could trigger a marriage fraud interview, but a combination of factors that leads the immigration examiner to suspect that the marriage is not "bona fide." It appears that the couple entered into the marriage to evade the immigration laws.
