

CLIENT CONNECTION

A periodic newsletter for my clients on all things Immigration-related.



ANNOUNCEMENTS

I.1

USCIS UPDATES

USCIS is working with the State Department to improve and streamline requests for Waivers of Inadmissibility Grounds, through a centralized office in Washington, D.C.

I.2

CONSULAR ISSUES

The annual Green Card Lottery (DV-2009) is currently underway, and will end on December 2 at Noon (GMT-5). Please contact us no later than November 25, to ensure your entry gets processed.

I.3

BUSINESS CORNER

Have you ever considered working with a consultant to improve your overall business? Would you be interested in a complimentary evaluation? If so, please let me know.

I.4

Q & A ... DID YOU KNOW?

Upon entry to the U.S. on an E-visa you are entitled to receive an I-94 card for a period of 2 years, even if your E-visa will expire before then? A well-timed entry could provide you with a prolonged 2-year status in the U.S. beyond expiration of the visa.

Off to a great start, great response.



Dear Valued Client! Thank you all who have sent me your compliments, encouragement, and overwhelmingly positive feedback. The response to my first newsletter has been great.

Holiday Season is Busy-Season.

Now well into the final quarter of the year, things are very busy, not only for me, but also for many of you, and yes, even the U.S. authorities.

As this time of year brings with it many holidays and celebrations of all ethnicities and faiths, this also a time for people to gather and travel. As a result, immigration work in general picks up, as people prepare for (primarily international) travel. Whether you are extending your I-94 card (status), renewing your travel or re-entry documents and visas, or changing from one type of immigration benefit to another, applications and petitions filed with the U.S. authorities will increase substantially.

Please allow for extra time for processing, whether your filing is handled by USCIS or the State Department at a U.S. Consulate.

H-1B Processing Only Months Away, Start Preparing Now.

The H-1B visa is a non-immigrant visa that allows specialty occupation workers (generally workers with degrees) to work in the U.S. for 6 years (in 2 x 3-yr. increments). This visa is subject to certain restrictions and numerical limitations, particularly for first-time applicants. USCIS generally only accepts H-1B petitions subject to the numerical limitation in early Spring for a very short timeframe. Petitions approved by USCIS will begin validity on the H-1B benefit in October following the filing of the petition, when the new fiscal year begins.

I encourage anyone who may qualify for the H-1B to start gathering their documentation and see an immigration attorney soon, to adequately strategize and prepare in anticipation of filing in early Spring 2008. Persons who already have an H-1B or are otherwise exempt from the annual numerical limitations, need not necessarily be concerned about the Spring deadline. However, seek advice from an immigration attorney to be sure.

Business Plans, Financial Projections and Tax Filings for your U.S.- based business.

USCIS and the State Department, as part of their adjudications process, are examining financial re-

cords of U.S. businesses under control or ownership of foreign citizens. While this in itself is nothing new, the thoroughness and level of scrutiny with which these records are examined is unprecedented.

I cannot encourage any past, present and future client of mine strongly enough, to seek the advice and cooperation of experienced business advisors and CPAs (Certified Public Accountants). While there are many skilled and knowledgeable advisors available, many of them do not frequently encounter or handle international clients, or fully understand international implications.

Therefore seek out the help of advisors and CPAs who specifically focus a large part of their practice on international and immigration-related financial and tax advice.

Whether you are preparing to apply for an immigration benefit (like a visa) based on a U.S. business activity, or whether you are already in the process of running your business, maintaining proper financial records is crucial, not only for good business sense, but also as part of your documentary evidence for the U.S. authorities.

Please keep in mind that while a business owner wants to minimize tax liability by showing little profit, the U.S. immigration authorities frequently neglect to recognize this and equate low profits with business failure.

Many adjudicating officers have little or no formal business or economics training, and many concepts of legal tax avoidance are not understood or otherwise taken into consideration when examining the financial state of being of the company.

As a foreign business owner, you must strike a balance between tax avoidance (suppressing profits on paper), and showing stronger, higher numbers in order to satisfy Immigration.

Work with your business and tax advisors on appropriate strategies and prepare additional documentation in layman's terms that supplement your tax filings and other financial records, to give adjudicating officers a more accurate picture of your company's financial state of health.

Have you recently applied for U.S. citizenship?

If you have recently applied for U.S. citizenship or are about to, please be aware that USCIS is implementing a new format for the Citizenship Examination. While the exam generally is not difficult, you should nonetheless make sure you have the current version of questions.

In November the United States celebrates Thanksgiving. Are you familiar with this U.S. holiday?

In the United States, Thanksgiving is a four day weekend which usually marks a pause in school and college calendars. Thanksgiving meals are traditionally family events where certain kinds of food are served. First and foremost, turkey is the featured item in most Thanksgiving feasts (so much so that Thanksgiving is sometimes called "Turkey Day"). Stuffing, mashed potatoes with gravy, sweet potatoes, cranberry sauce, corn, turnips, yams, pumpkin pie are commonly associated with Thanksgiving dinner.

It is said that the early settlers of Plymouth Colony in Massachusetts were particularly grateful to the Native Americans who taught them how to catch eel, grow corn and to Squanto, who served as their native interpreter (Squanto had learned English as a slave in Europe). Without the Native Americans' assistance, the settlers might not have survived in the New World.

In 1789 President George Washington designated a national thanksgiving holiday for the newly ratified Constitution. Later, President Abraham Lincoln declared Thanksgiving a Federal holiday as a "prayerful day of Thanksgiving" on the last Thursday in November. Since then every U.S. President has always made an official Thanksgiving Proclamation on behalf of the nation. President Franklin D. Roosevelt set the date for Thanksgiving to the fourth Thursday of November in 1939 (approved by Congress in 1941).

Your Comments and Feedback are important to me. Please keep them coming...

As stated above, I have already received many great comments and suggestions. I am here to serve you and as your immigration lawyer I am committed to assisting you however and whenever I can.

Please have a safe and joyful holiday season!

Sincerely and respectfully Yours,



Steven A. Culbreath, Esq.