



# CLIENT CONNECTION



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

## Season's Greetings!

### ANNOUNCEMENTS

#### 1.1 USCIS UPDATES

U.S. Citizenship and Immigration Services (USCIS) has issued a revised Form I-9, Employment Eligibility Verification, and M-274, Handbook for Employers, Instructions for Completing the Form I-9.

#### 1.2 CONSULAR ISSUES

Effective January 1, 2008, the application fee for a U.S. non-immigrant visa will increase from \$100 to \$131. Applicants who paid the prior \$100 application fee and appear for visa interviews after January 31, 2008 must pay the difference -- \$31 -- before they will be interviewed.

#### 1.3 BUSINESS CORNER

Calling all clients: if you have your own business and would like to be included on my online business showcase, email me.

#### 1.4 Q & A ... DID YOU KNOW?

Non-U.S. citizens are required to maintain current address information with USCIS. You do this by filing a form AR-11. It's free, simple and can be done online.



Dear Valued Client! Season's Greetings to you, your family, friends and loved ones.

#### Holiday Season is in Full-Swing.

As the holiday season is now upon us, and we grapple with heightened levels of stress, be it at work, at home, or in our social circles, it is important to remind ourselves of the true meanings of the season, regardless of our respective faiths, creeds, or belief systems.

Regardless of who we are, what we are, and where we came from, we *all* have things to be grateful for, things to appreciate.

This is a good time for general reflection and introspection. Not only do we need take inventory of the good things in our lives (and appreciate them), but we also need to appraise our shortcomings and areas in which we need (or desire) improvement.

Meanwhile this "gut-check" serves as a reminder that there are always others around us who are less fortunate and would swap places with us in an instant, even if for only one day. While it's human to complain

about what we don't have, things could always be worse!

#### H-1B Processing Resumes March/April, Start Prepping Now.

As previously mentioned in last month's newsletter, the H-1B petitions subject to the numerical limitation must be submitted in early Spring for consideration by USCIS. Petitions approved will begin validity on the H-1B benefit in October, 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.

#### Consider Periodic Follow-up Consultations with Me when Things Change.

For those of you whose life and livelihood in the United States is directly tied to a U.S.-based business, whether you own it or are employed in it, you would be well-advised to meet with me on a quarterly basis, or whenever significant changes or developments occur that may affect your business/employment, as these things in turn could have a direct impact or consequence on your im-

migration status. What constitutes “significant changes or developments”??? In short, things like: (1) changes in company ownership or legal structure, (2) significant change in business purpose or objective, (3) changes in your duties and responsibilities, (4) transactions that materially affect the company’s cash flow, assets or net worth.

As a good rule-of-thumb, if you are unsure if something is significant or not, just ask me...

...and please keep in mind, that as a general rule (of mine), I do not charge for follow-up consultations once you are my client. Historically, I also offer free consultations to members of your family and close friends.

**Are you now, or could you become, a large-scale commercial investor? -- You could qualify for a Green Card.**

For those who are living and working in the United States on so-called “non-immigrant visas”, there may be an option of applying for an “Investor Green Card”, if you can (or already may have) invest in an active U.S. enterprise on a large scale.

Many clients (and yes, sometimes even their lawyers) often neglect to consider the EB-5 Employment-Creation Green Card as a possible, long-term immigration benefit, for those who aspire Legal Permanent Resident status. (and yes, some day maybe even U.S. Citizenship?).

Without going too much into details, the USCIS, in the early 1990’s, when it was still the “INS”, created this option for would-be immigrants in an effort to promote large-scale economic development and job-creation in the U.S.

Generally speaking, an applicant under this program are required to invest \$1 million into an active U.S. enterprise and create 10 jobs. Under specific, limited circumstances, an application for the EB-5 can also be made, investing only \$500,000.

A successful application will lead to an initial, ‘probationary’ 2-year Green Card, during which the investor must adhere to and satisfy the conditions of the investment. Upon expiration of the 2-year period, a petition must be made to USCIS, asking that the Green Card become unrestricted (i.e. permanent), due to successful completion of the Applicant’s investment in the enterprise.

EB-5 Green Card applications are labor-intensive and carry with them a high evidentiary burden (=lots of documents required). However, if you are up for a challenge and think that you could possibly qualify, schedule a time to see me so we can discuss your individual circumstances.

This type of application generally takes about a year to process, once filed with USCIS. It is important to maintain your underlying immigration status, while your EB-5 application is pending.

**Are Applications for U.S. Citizenship becoming harder?**

Well, maybe. Since my practice is located within greater Tampa Bay, Florida, the overwhelming majority of my N-400’s get processed at the Tampa District office; and I have little direct exposure to other districts, such as Miami, Orlando or Jacksonville.

In recent weeks, I have become aware of increased scrutiny by adjudicating officers in Tampa. While this

in itself is not unusual, since U.S. Immigration undergoes periodic “mood swings”, alternating between lenient and stringent from time to time, it is something that deserves attention.

In periods of heightened scrutiny and less flexible application of the regulations, it is *even more* important (than normal), to make sure that ALL legal requirements and qualifications for Naturalization are met and proven by the Applicant. Pay EXTRA attention to: (1) criminal history, (2) immigration history, (3) travel history, (4) residency status and (5) timing of your application.

It does not serve you to “forget” or knowingly misrepresent any information that you might consider unfavorable, harmful or ‘unimportant’. Chances are that USCIS will find out or already knows. Their information has to materially match that which presented by the Applicant in his/her N-400 form.

Neglecting these areas in your application can either jeopardize or substantially delay, or even prevent your becoming a U.S. Citizen.

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

Now in its third edition, I have already received many great comments and suggestions on my newsletter. 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,

