

# CLIENT CONNECTION



A newsletter on all things Immigration-related.

## SPRING IS IN THE AIR. ARE YOU ON TRACK FOR 2008?

### ANNOUNCEMENTS

#### 1.1 USCIS UPDATES

U.S. Citizenship and Immigration Services (USCIS) announced that more than 52,000 employers have voluntarily signed up to participate in E-Verify, the nation's employment authorization status verification program.

#### 1.2 CONSULAR ISSUES

Recently, the United States' ratification of the Hague Convention on Inter-country Adoption became official. Its governs inter-country adoptions between the U.S. and other Convention member countries, establishes norms and procedures for processing inter-country adoption cases, and mandates safeguards to protect the interests of children, birth parents, and adoptive parents.

#### 1.3 BUSINESS CORNER

Does your business have any needs for growth and expansion? Foreign workers might be a solution. Ask me how...

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

Non-married life partners can accompany non-immigrant visa holders to the U.S. on Visitor Visas, since they do not qualify for dependent visas of the same classification.



Dear Valued Client! We're two months into the year, and between writer strikes, election coverage and all sorts of strange news worldwide, it has already been an interesting year.

#### Spring-time is Spring-Cleaning time, ...well, and time to plan and take action.

If you haven't already done so as part of your new year's resolution, now is a good time to incorporate cleaning and maintaining your records into your annual spring-cleaning routine.

As you evaluate your plans for the year, whether it involves travel, career changes, business ventures, relationship changes, change in residence, or whatever major life change you are considering, you need to examine your situation and what changes you will need to make in the affected sectors of your life.

Will your immigration status be affected? Are there other legal considerations? How will your business or career be influenced? Are there tax or estate planning ramifications? Now would be a good time to seek the advise and counsel of those professionals in your 'circle of trust': your lawyers, your CPA, your finan-

cial advisor, your real estate professional, your consultant, and whom-ever else you rely on for professional advice.

It is general human nature to often engage in or conduct major life changes, without first seeking trusted, reliable advice. This opens the proverbial Pandora's box of unanticipated problems or consequences, which could be costly, not only financially, but also emotionally or psychologically.

My advice is clear: if you are considering major changes in your life this year, whatever they may be, seek professional advice before you make those changes. A well-timed consultation could provide the necessary insight to make good, informed decisions, weighing pros and cons, and being aware of potential risks and benefits, positive or negative consequences of your anticipated actions.

#### Tick-Tock...H-1B Visa Petitions to be accepted soon.

The USCIS will soon again begin accepting first-time ('cap-subject') petitions for H-1B visas. In years past, USCIS has generally opened its small filing-window in late March or early April.

Practitioners anticipate that submitted petitions will outnumber available visas at a ratio of at least 4:1. Last year, USCIS had to resort to a computer lottery to randomly

select among the received petitions those destined for adjudication.

Those who feel they may be eligible for a cap-subject H-1B, should have their packet ready for submission to USCIS by mid-March.

Properly preparing an H-1B petition involves substantial documentation and coordination between the prospective worker and the sponsoring employer... *tempus fugit*.

### **Attention Business-Owners, Managers, and Executives!**

If you own your own business, or if your job involves managing a business or a component/department of a business, listen up, as this may concern you.

As well as business may be, whether you're happy with the status quo of your organization, most of us would admit, -- perhaps on condition of anonymity --, that there is always room for improvement.

I have ongoing relationships with consultants, who specialize in improving organizations based on mission-directed principles. If you indicate your interest to me, I can arrange for you to meet with a consultant for a free consultation.

It frequently comes to my attention that many of my business-clients could use some occasional consulting, but either don't know WHEN to get the advice, or WHERE to get the advice FROM... I hope you're not one of them... :-)

### **Do you have dependent children on non-immigrant visas about to graduate from High School?**

While many of my Non-Immigrant Visa clients come to the United States with spouse and/or children in tow on dependent visas, parents need to be mindful of their children's immigration status as they

approach adulthood. Oddly enough, and to the astonishment of many clients, the critical age to watch is 21, not 18. Children, on turning 21, will lose their dependent visa status, and must now independently qualify for his or her own visa classification.

In cases where parents are in the United States on an employment-enabled status, the dependent children can attend schooling in the United States on their dependent status (until age 21), without having to hold F-1 foreign student status. This includes pre-school, elementary school, secondary school, vocational school, and college/university.

While the benefit of this at first glance may not be readily apparent, the real benefit is financial. Whether you choose to put your child(-ren) into a private or public school, is of consequence to you, as your child usually qualifies for free or subsidized (in-State rate) tuition rates.

If, however, a student is attending a school or institution of higher learning in the U.S. as a foreign student on F-1 immigration status, the child oftentimes has to pay the full, unsubsidized cost of tuition, or be obligated to reimburse public schools for the cost of attendance. The difference in rates can be as much 400%.

As your child will turn 21, some serious immigration-planning needs to take place, taking the parents' status into consideration, taking into consideration the child's desire (or lack thereof) to attend post-secondary education and his/her career choices.

An important aspect of "immigration-family planning" is the long-term consideration of applying for Lawful Permanent Residence ("Green Cards") for the entire household. As a general rule, the Green Card should be applied for before the oldest child turns 21. This is a potentially tricky aspect of family-based

immigration, as there is much regulation and case law surrounding Child Status protection. Having children "aging out" of a Green Card petition is often a heart-wrenching, unfortunate circumstance, that should be avoided if possible.

Families with children 12 and over are always well-advised and encouraged to discuss these issues with an immigration lawyer.

### **Driver Licenses in Florida... ah, yes, the ugly beast rears its ugly head.**

Not a week goes by, where some frustrated client does not contact me in exasperation, flabbergasted that DMV gave them a renewed driver license for a shorter than expected duration.

Stricter enforcement of documentation requirements now dictate that licenses will be issued to non-immigrants in durations of 1 year or less.

Controlling is the I-94 card (the little green or white card in your passport that you receive on entry into the United States or when a non-immigrant status is approved by USCIS). The visa in your passport is *NOT* controlling, though you might assume it would/should be.

If your I-94 card authorizes a legal stay of more than one year, you will receive a 1-year license. If your I-94 is for a stay of less than one year, then your license will be issued to coincide with the expiration date on your I-94 card. This is unfortunate, inefficient and annoying, but it's also the law now.

As your immigration lawyer I am committed to serving you.

Sincerely and respectfully Yours,

