

CLIENT CONNECTION



A newsletter on all things Immigration-related.
by Steven A. Culbreath, Esq.

ANNOUNCEMENTS

1.1

USCIS UPDATES

USCIS has implemented some changes to the format and content of the American Government/History examination which most applicants for U.S. citizenship must successfully complete. These Naturalization Test changes are effective October 1, 2008.

1.2

CONSULAR ISSUES

B-Visa applications are undergoing more scrutiny at Consular posts around the globe. Denials are on the rise. Extra diligence and documentation are becoming necessary. More posts are inquiring of applicants' intent to change status in the United States, before rendering a final decision on the application.

1.3

BUSINESS CORNER

Regional Investment Center based EB-5 petitions might soon become unavailable, unless Congress acts soon. Current law authorizing this pilot program will expire with the coming of FY-2009 unless extended. Stay tuned...

1.4

Q & A ... DID YOU KNOW?

You can read more about items in this column by going to my blog and looking in the relevant subject categories. See the address below. Either browse by category, date, or search by specific key words. The blog is updated frequently.



Dear Valued Reader,

Yes, summer for the northern hemisphere is coming to an end, and for many a dreaded begin of the colder, less sunny season is just around the corner. A matter of personal preference and outlook, I presume. Personally, by the end of September, I am usually tired of the heat and high humidity, but that's just me. I can't complain. Many would trade places with me in an instant.

It's hard to believe that this newsletter is one issue away from its first anniversary. The newsletter and Blog have been well-received, as have all my online articles. Thank you everyone for your continued support and encouragement. Without it, I would sometimes question these significant investments on my time. Since I have begun these things in an effort to improve my practice, and keep my readership informed and involved, the level of visitors, readers, and those seeking my help and advice has been increasing steadily.

Please continue to pass on my blog, my newsletters, and my online articles to anyone you know who may hold an active interest in immigration law issues.

These are my personal tools and offerings to you, in an ongoing effort to provide you with updated, relevant

information and to nurture my own immigration practice.

As I mentioned in the previous issue, I would like to assist in my own way to strengthen the pro-immigration movement, by fostering ongoing relations with Florida-resident businesses, groups and individuals who favor changes to immigration law that will improve the local economy. Please help me in this regard.

Some staff changes at JAENSCH...business almost as usual.

Recently, one of our junior lawyers made the decision to leave the firm and pursue other opportunities, including opening her own practice. I wish her all the best in her endeavor and am confident that, in due time, she will do well for herself and her clients.

As a result of her departure from JAENSCH, I am currently (once again) the only native speaker of German remaining at the firm. If you are in need of my advice and services and in need of my German-language ability, or you know someone who does, please contact me. If you contact our frontdesk/reception for an appointment, please ask for me specifically by name, as none of the other lawyers speak German fluently.

For prospective clients who are not familiar with my immigration practice and expertise, I have a one-page practice profile online, in

English and in German: <http://www.visaamericatampabay.com/>

Please feel free to visit it, or pass the link to others who could benefit.

NBC recently aired a “DATE-LINE” feature about the inner workings of CBP.

Although I put this up on my Blog recently, some of you may not have yet seen this feature.

In a recent airing in early August of NBC’s evening news show “DATELINE”, the network ran a feature called “Inside our border’s first line of defense“. In this documentary, hosted by correspondent Chris Hansen, NBC-Dateline was given unprecedented access to the inner workings of Customs and Border Protection (CBP), the guardians of the U.S. border.

The feature is available for viewing online, in 7 parts. Please visit my blog post to view the feature: <http://www.saculbreathlaw.com/blog/?p=126>

While many of my readers have had their own personal experiences with the men and women of CBP, this Dateline feature is nonetheless interesting.

USCIS is changing the format of the Citizenship Exam.

USCIS has implemented some changes to the format and content of the American Government/History examination which most applicants for U.S. citizenship must successfully complete. These Naturalization Test changes are effective October 1, 2008.

Do You Know Which Test Materials to Read for the Interview? The following guidelines will determine whether naturalization applicants will take the current test or the redesigned version:

1. If an applicant applies BEFORE October 1, 2008 and is scheduled for his or her naturalization interview BEFORE October 1, 2008, he or she will take the current test.

2. If an applicant applies BEFORE October 1, 2008 and is scheduled for his or her naturalization interview AFTER October 1, 2008, he or she can choose to take the current test or the redesigned version.

3. If an applicant applies AFTER October 1, 2008, he or she will take the redesigned version.

4. If the nationalization interview is scheduled AFTER October 1, 2009, regardless of when he or she applied, he or she will take the redesigned version.

For the writing test, a USCIS Officer will dictate to the applicant using sentence(s) from one of the standardized test forms. The sentences are constructed from words included on the English writing vocabulary list. Applicants are required to write 1 sentence out of 3 correctly (same as the current test). During the writing test, the applicant is provided a form with blank lines to write the dictated sentence(s). The USCIS Officer instructs an applicant to write down exactly what he/she says.

For the reading test, a USCIS Officer will use sentence(s) that appear on one of the standardized test forms and will ask the applicant to read the sentence(s), which are constructed from words included on the English reading vocabulary list. The applicant must read 1 sentence out of 3 correctly (same as the current test).

ICE’s failed attempt of getting immigrants to self-deport bordered (no pun intended) on embarrassing...

Implemented, tried and cancelled within less than one month, U.S. Immigration and Customs Enforcement (“ICE”) had to admit ‘defeat’ and end the “Scheduled Departure” program when the trial run successfully processed a mere eight people.

According to ICE, the purpose of the program was to give illegal immigrants under court order to leave more control over their departure, being less disruptive to affected families.

My fear now is that the program’s short-lived “test” will only prompt far more stringent enforcement from ICE, and a spiteful knee-jerk reaction.

The ill-conceived program by ICE offered too few (if any) incentives for immigrants to come forward and “self-deport”, since they could be barred from re-entering the U.S. for as long as 10 years. The program also failed to consider the needs and circumstances of immigrants’ ties to family left behind in the U.S.

Are You a Foreign Buyer of U.S. Real Estate?

Most of us at one point or another feel the need for a place to get away from the daily grind and routine. For those who do not already live in a locality drenched in sunshine and warm weather, the need to find and own their personal place under the sun somewhere can be a lifelong ambition. However, those seeking to buy property in the United States need to be mindful of certain conditions and parameters, before sealing the deal.

First and foremost, a non-U.S. citizen or Non-Resident needs to be aware of restrictions and provisions of U.S. Immigration Law. Some nationals of certain countries need to obtain visas before being able to visit the United States, even if only for

recreational purposes. Other nationals may travel visa-free on the Visa Waiver Program or under NAFTA-provisions (Canadians and Mexicans). Once you own your U.S. property, how will you use it? To spend time on vacation/holiday there? To spend the winter month's? To stay there while conducting limited short-term business trips in the States? To set up one's eventual U.S. residence for longer-term purposes? Ownership of U.S. real estate alone will not provide the foreign property owner with any particular rights or privileges regarding legal stay or status. One should consult with a qualified immigration lawyer if one's purpose or goal exceeds that of a casual tourist.

The next consideration would be for the would-be buyer to familiarize oneself thoroughly with the U.S. system of real estate transactions, which can differ greatly from the system in one's home country. Many concepts will be different or unfamiliar for a first-time transaction. Working with qualified professionals on-site who can walk the would-be buyer through the process (preferably in one's native language if possible) is critical and can save lots of frustrations.

Additional considerations should be given to issues such as currency exchange rates, international wire transfers, difference in banking systems, multi-national taxation and accounting issues, import/export restrictions regarding currency and household goods (which ties into immigration issues), as well as local government issues regarding residency and domicile.

While owning overseas property can be -- and often is -- very rewarding, obtaining property in another country can be a process fraught with pitfalls, problems, delays and other frustrations, ranging from inconvenience, to economic loss, to legal li-

ability. One should never attempt an overseas property transaction unprepared, without the guidance and advice of seasoned, competent advisors. These should include real estate agents, licensed lawyers, accountants, and other supporting professionals well-acquainted in dealing with international clients.

Under the constant advice and counsel of a qualified group of professionals, buying and owning overseas property should be a rewarding experience.

Obama vs. McCain? -- how do they stack up on the Immigration Issue?

With the current presidential elections only nearly 2 months away, many are asking themselves "where do the candidates McCain and Obama stand on immigration?" ...

For the most part, both candidates seem to see mostly eye-to-eye with regard for the need to fix our nation's broken immigration system. Much of their respective approaches to the immigration problems we face, appear to be across party lines. At heart of the immigration reform issue, is the ever-difficult question of what to do with undocumented aliens (or what the public often refers to as 'illegal immigrants'), which are estimated to number some 12 million to as many as 30 million, by some estimates.

For an in-depth look at **Senator McCain's** take on the issue of immigration reform, please visit this page:

<http://www.johnmccain.com/Informing/Issues/68db8157-d301-4e22-baf7-a70dd8416efa.htm>

For an in-depth look at **Senator Obama's** take on the issue of immigration reform, please visit this page:

<http://www.barackobama.com/issues/immigration/>

So what can we expect from these upcoming elections? Nobody can say with certainty. Both candidates have their respective priorities for when they take hold of the White House. Whether Democrat or Republican, both candidates recognize the pressing urgency of a comprehensive, wide-sweeping overhaul of our defunct immigration system, and both candidates have pledged their votership to make immigration reform (and border security) a top-ranking agenda item.

In light of the nation's sentiment on issues such as healthcare, economy, and national security, it remains to be seen just how high up the priority list immigration and border security will rank with "W.'s elected successor. Either way, most concur that beneficial changes will come about, it's just a matter of how soon...

As with every other newsletter, any information provided for your reading pleasure is just that, "information". Don't rely or act on any information in this newsletter, without consulting me first. Contact me and consult with me, should you need more detail or advice.

I hope you have enjoyed this issue. Please remember that referrals and testimonials are the most significant compliment you can give. It also is the driving force behind my practice.

I welcome your referrals, and promise to treat those whom you refer to me with utmost care and courtesy.

Sincerely Yours,

