



OLSEN LAW FIRM IMMIGRATION NEWSLETTER

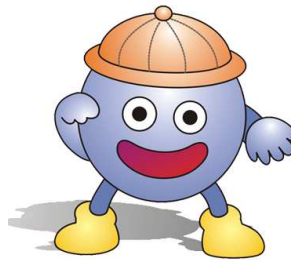
OCTOBER 2005

VOLUME 10

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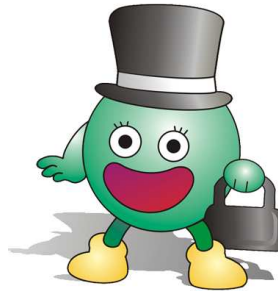
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We welcome you to meet the Immis! They help us simplify the immigration process for you. The Immis are in every issue of our newsletter and act as your personal guides to various immigration topics.



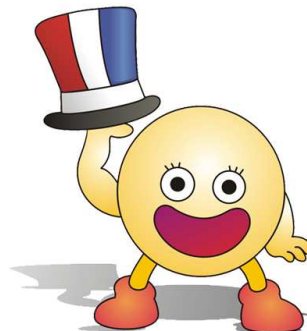
Immi Jr.

Immi Jr. will address nonimmigrant issues



Immi

Immi will address immigrant issues



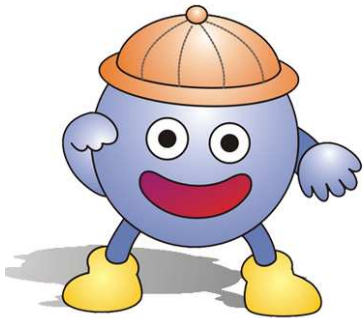
Citizen Immi

Immi will address citizenship issues

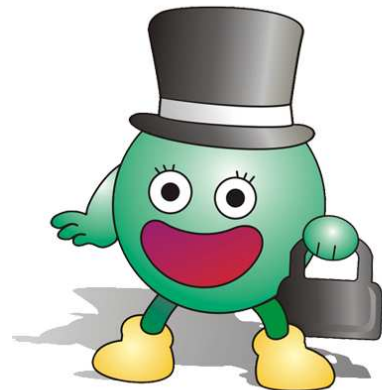
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IMMEDIATE INFORMATIONAL RELEASES



Immis say: Travelers be aware that APIS will be in effect on October 4, 2005!!!!



US-VISIT UPDATE

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

The information that follows is from U.S. Customs and Border Protection. Those in the travel industry will be interested in the details of this requirement.

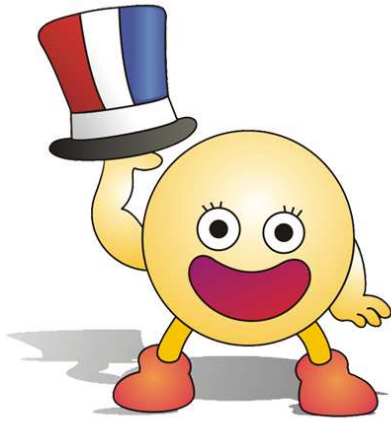
REMINDER: ADVANCE PASSENGER INFORMATION SYSTEM (APIS) REQUIREMENT GOES INTO EFFECT ON **OCTOBER 4, 2005**

A new requirement to include additional passenger manifest data through the Advance Passenger Information System (APIS) goes into effect on October 4, 2005. U.S. Customs and Border Protection (CBP) will provide special assistance to help carriers with compliance. The requirement calls on carriers to include addresses where visitors will be staying while in the United States.

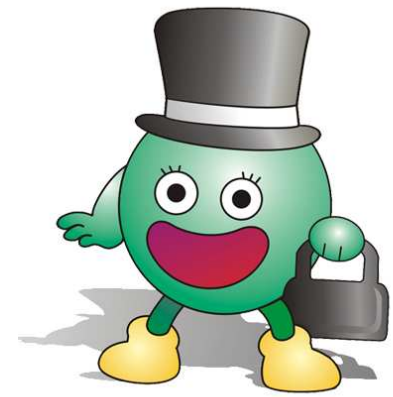
CBP has assigned full-time national account managers to work directly with carriers on APIS implementation and compliance issues around the October 4th date. They will clarify information that carriers should include on the manifest for those passengers who are in transit to a cruise ship, picking up a rental car, or those not knowing their address while in the United States.

The new rule is mandated by the Enhanced Border Security and Visa Entry Reform Act of 2002. Submission of this manifest information to CBP is a necessary component of the nation's continuing program of ensuring aviation and vessel safety and protecting national security. The required information also will assist in the efficient inspection and control of passengers and crew members and thus will facilitate the effective enforcement of the customs, immigration, and transportation security laws.

For more information about the requirements or how to contact a CBP national account manager, go to www.cbp.gov.



Immi Jr. says: Watch Out “Retrogressions”!!! Aliens from India and China who are under employment-based 1st and 2nd need of the severe retrogressions.



VISIA BULLETIN UPDATE

[\(\[HTTP://TRAVEL.STATE.GOV/VISA/FRVI/BULLETIN/BULLETIN_2631.HTML\]\(http://travel.state.gov/visa/frvi/bulletin/bulletin_2631.html\)\)](http://travel.state.gov/visa/frvi/bulletin/bulletin_2631.html)

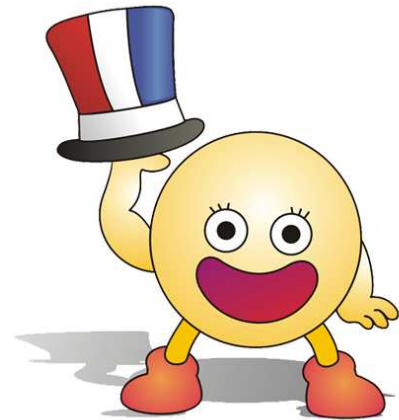
SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

The October 2005 Visa Bulletin shows severe retrogressions in India and China employment-based first and second preferences, and early cutoff dates in worldwide third preference. The Bulletin indicates that future forward movement in these dates is likely to be limited.

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is earlier than the cut-off date listed below.)

	All Chargeability Areas Except Those Listed	CH	IN	ME	PH
Employment-Based					
1 st	C	01JAN00	01AUG02	C	C
2 nd	C	01MAY00	01NOV99	C	C
3 rd	01MAR01	01MAY00	01JAN98	01JAN01	01MAR01
Schedule A Workers	C	C	C	C	C
Other Workers	01OCT00	01OCT00	01OCT00	01OCT00	01OCT00
4 th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5 th	C	C	C	C	C
Targeted Employment Areas/Regional Centers	C	C	C	C	C

Citizen Immi says: Remember USCIS announces new application fees. It is effective on October 26, 2005!!!!



USCIS ANNOUNCES FEE ADJUSTMENTS

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

SUMMARY: This Notice announces that the Department of Homeland Security, U.S. Citizenship and Immigration Services, will increase the fees for immigration benefit applications and petitions to account for cost increases due to inflation. The fee increases will apply to applications or petitions filed on or after October 26, 2005. The average fee increase for inflation is approximately \$10 per application or petition. Fees collected from persons filing immigration benefit applications and petitions are deposited into the Immigration Examinations Fee Account and are used to fund the full cost of providing immigration benefits, including the full cost of providing benefits such as asylum and refugee admission for which no fees are assessed.

DATES: This notice is effective October 26, 2005.

Please check the website below for the new filing fees:

<http://www.aila.org/content/fileviewer.aspx?docid=17607&linkid=135262>

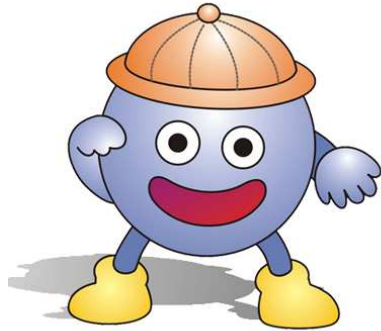
Washington, D.C.– U.S. Citizenship and Immigration Services (USCIS) announced in the *Federal Register* a revised fee structure for immigration benefits. The new fee structure becomes effective on October 26, 2005 and will add an average of \$10 to each application and petition in order to account for inflation. Fees collected from persons filing immigration benefit applications and petitions are used to fund the full cost of providing immigration benefits, including the full cost of providing benefits such as asylum and refugee admission for which no fee is charged.

“USCIS is committed to delivering world class customer service,” said acting USCIS Deputy Director Robert Divine. “Because USCIS is a fee-based agency, we must charge amounts that will recover the full costs of our operations in order to continue the progress we have made in reducing the backlog. USCIS has already reduced its backlog from 3.9 million to 1.1 million cases.”

The fees were last adjusted in April 2004 to account for additional security enhancements performed on all immigration benefits after September 11, 2001 and other costs. The new fee structure reflects an inflation adjustment, as required by the April 2004 fee rule, to be published by notice in the *Federal Register* for periods on or after October 1, 2005.

USCIS does have the ability to waive fees on a case-by-case basis. Any applicant or petitioner who has an “inability to pay” the fees may request a fee waiver. In determining “inability to

pay.” USCIS officers will consider all factors, circumstances and evidence supplied by the applicant including age, disability, household income and qualification within the past 180 days for a Federal means-tested benefit.



Immi Jr. says: Hey!!! Graduates need to be cautious because the H-1B numbers for graduates with U.S. masters or above is getting smaller and smaller.

USAGE OF THE H-1B FOR GRADUATES OF U.S. MASTERS OR ABOVE UPDATE

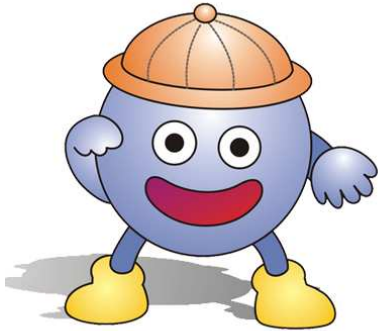
SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

USCIS has updated its website with the current count for usage of the H-1B numbers for graduates of U.S. masters or above programs for fiscal years 2005 and 2006. It appears that there will be sufficient numbers to get to the end of fiscal 2005, but usage of 2006 numbers is heavy.

Current Cap Count for Non-Immigrant Worker Visas

	H-1B (FY 06)	H-1B Advance Degree Exemption (FY 05)	H-1B Advance Degree Exemption (FY 06)	H-2B (FY 05)*	H-2B 1st Half (FY 06)	H-2B 2nd Half (FY 06)
Cap	58,200**	20,000	20,000	35,000	33,000	33,000
Cases Approved	22,383	12,058	7,099	18,849	9,300	--
Cases Pending	29,556	868	5,340	5,555	5,526	--
Total	51,939	12,926	12,439	24,404	14,826	--
Date of Last Count	8/4/2005	9/19/2005	9/19/2005	9/20/2005	9/20/2005	--

QUICK INFORMATION BYTES

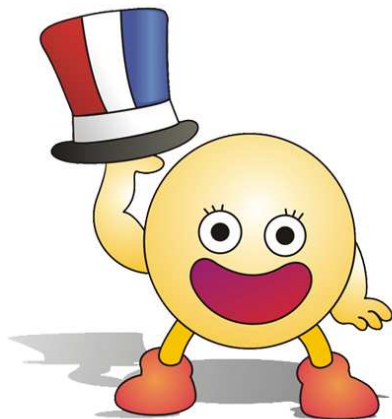
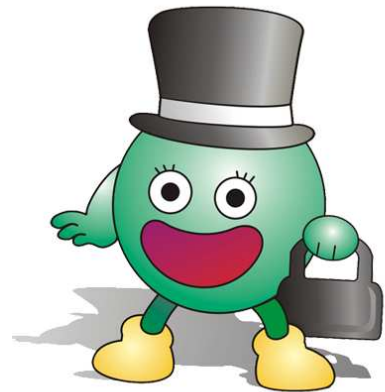


Immi, Jr. says: F-1s cannot work w/o school approval.

SOURCE: TERRENCE L. OLSEN, ESQ., OLSEN LAW FIRM

Immi says: Citizens of India and China may now want to reconsider applying for National Interest Waivers since there is severe retrogression of priority dates.

SOURCE: TERRENCE L. OLSEN, ESQ., OLSEN LAW FIRM



Citizen Immi says: You must remember that before applying for naturalization, you don't want to have a trip out of the U.S. which is 6 months or longer.

SOURCE: TERRENCE L. OLSEN, ESQ., OLSEN LAW FIRM

QUESTIONS AND ANSWERS

Explanation: If you have questions concerning immigration related issues or concerns and are of a non-advice and pure general interest nature, please e-mail them to tolsen@tlolaw.com.

IMPORTANT IMMIGRATION RELATED WEB SITES

<http://uscis.gov/graphics/index.htm>

- US Citizenship and Immigration Services Web Link

<http://www.dol.gov/>

- Dept. of Labor Web Link

<http://www.state.gov/>

- Dept. of State Web Link

<http://www.embassy.org/>

- Embassies in Washington D.C. Web Link

<http://www.aviso.net/government/embassies/>

- Embassies Located Inside and Outside U.S. Web Link

CONTACT INFORMATION

Please visit: www.tlolaw.com for our web site

Terry Olsen, Attorney, tolsen@tlolaw.com, 423-648-9390 and 423-648-9370 (for Chinese and Taiwanese language assistance)

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