



OLSEN LAW FIRM IMMIGRATION NEWSLETTER

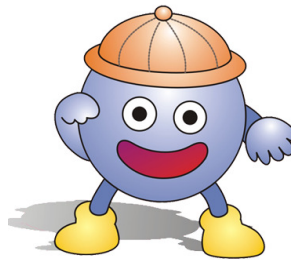
DECEMBER 2005

VOLUME 12

In this issue:

Failure to Pay Required Wages	2
Non-Immigrant Worker Cap Counts Update	3
The House's New Bills	3-4
H-2B Update	4-5
PERM Cert's New Look	5
Quick Information Bytes	6

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.



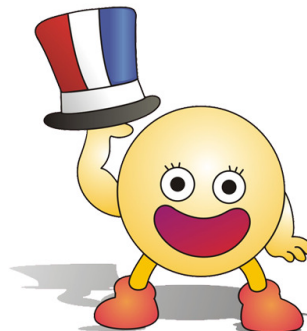
Immi Jr.

Immi Jr. will address nonimmigrant issues



Immi

Immi will address immigrant issues



Citizen Immi

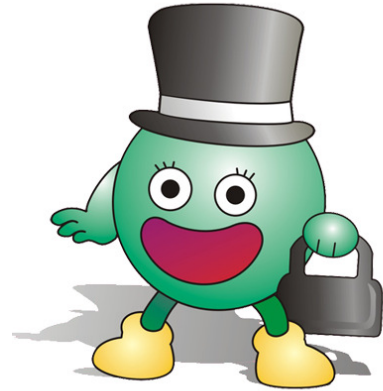
Immi will address citizenship issues

USEFUL INFORMATION:

- Immigration Related Web Sites 7
- Olsen Law Firm Contact Information 8

IMMEDIATE INFORMATIONAL RELEASES

Immi says: Employers, you need to remember to pay your aliens at least the minimum required wages.



SOUTHFIELD, MICH., COMPUTER STAFFING FIRM TO PAY \$2.65 MILLION IN BACK WAGES AND PENALTIES FOR IMMIGRATION LAW VIOLATIONS

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

DETROIT—Computech Inc., a Southfield, Mich., firm that places computer professionals at locations throughout the United States has agreed to pay \$2,250,000 in back wages to 232 computer professionals and a \$400,000 fine to settle immigration law violations, the U.S. Labor Department announced today.

An investigation by the Labor Department's Wage and Hour Division found that Computech brought non-immigrant H-1B workers into the U.S., but failed to pay them the minimum required wage rates in the areas where they were employed. The investigation also disclosed that Computech frequently benched the workers without compensation contrary to the rules of the H-1B program.

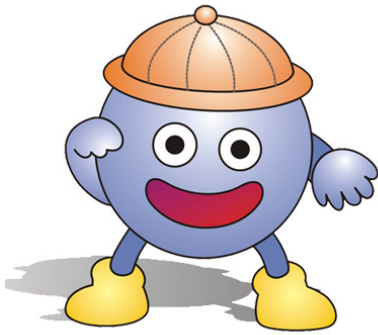
The Department of Labor aggressively enforces the law to ensure that temporary foreign workers are compensated fully and fairly said Secretary of Labor Elaine L. Chao. Abuse of the temporary foreign worker program is not tolerated and violators, as this case shows, are vigorously pursued.

The settlement, approved by a U.S. Labor Department administrative law judge, orders the company to pay \$2,250,000 to 232 foreign workers and a \$400,000 fine in addition to the back wages. The company is also prohibited from participation in the H-1B visa program for 18 months.

The H-1B visa program allows foreign workers to enter and work temporarily in the United States in professional level jobs such as computer programmers, engineers, medical doctors and teachers. H-1B workers must be paid at least the same wage rates and benefits as those paid to U.S. workers already doing the same job in the same area.

Computech contracts with other firms to supply computer professionals who work on the premises of those firms. It has customers across the U.S., with the largest numbers of its workers in Michigan, Illinois, California, New Jersey, New York, Pennsylvania, Texas and Minnesota.

The Wage and Hour Division enforces the H-1B wage provisions of the Immigration and Nationality Act, in addition to other federal laws pertaining to wage payments. For more information please visit www.dol.gov or call toll free 1-866-4-USA-DOL.

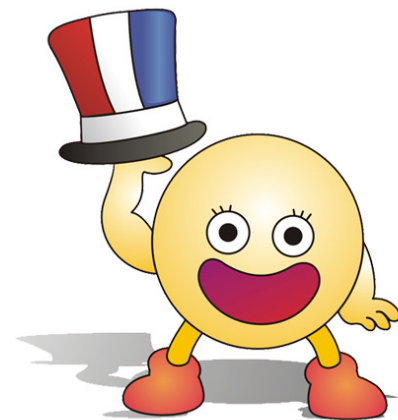


Immi says: Hi everyone! Here comes the most current non-immigrant worker cap counts.

CURRENT CAP COUNT FOR NON-IMMIGRANT WORKER VISAS
SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

	H-1B (FY 06)	H-1B Advance Degree Exemption (FY 06)	H-2B 1st Half (FY 06)	H-2B 2nd Half (FY 06)
Cap	58,200*	20,000	33,000**	33,000
Beneficiaries Approved	-----	14,281	29,213	--
Beneficiaries Pending	-----	2,417	8,875	--
Total	Cap Reached	16,698	38,088	--
Date of Last Count	8/10/2005	11/29/2005	11/29/2005	--

Citizen Immi says: Oh!! The House continues to resolve differences on bills affecting immigration.



HOUSE PASSES BUDGET RECONCILIATION BILL, CONTINUED ADVOCACY NEEDED AS BILLS MOVE TOWARD CONFERENCE

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

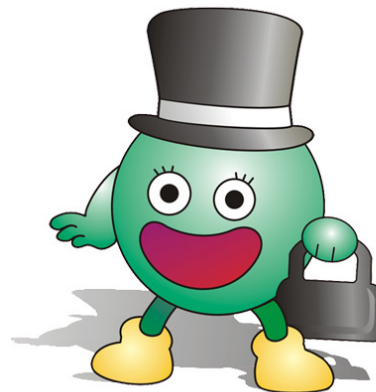
The House, on 11/18/05, passed a \$49.9 billion budget reconciliation package by a vote of 217-215. The two chambers will now form a conference committee to resolve differences between their respective bills. The conference could take place as early as the first week of December, when lawmakers return from Thanksgiving recess.

The Senate bill provides relief from the H-1B blackout and EB immigrant visa retrogression in exchange for increased fees on some petitions. Specifically, the Senate's package would:

- Impose a new \$500 fee on immigrant visa petitions for the EB-1, EB-2, and EB-3 categories.
- Recapture unused employment-based visas from prior years for immediate allocation of up to 90,000/year.
- Exempt spouses and minor children from counting against the annual cap on employment-based immigrant visas.
- Allow individuals to apply for adjustment of status before an immigrant visa is deemed currently available.
- Recapture approximately 300,000 unused H-1B numbers dating back to FY 1991. As a result of an amendment by Senator Feinstein, 30,000 rather than 60,000 would be available annually.
- Impose a new fee on the recaptured H-1B visas so that the fees on the original 65,000 H-1B allotment remain unchanged but the additional 30,000 available annually carry an additional \$500 fee.
- Impose a new \$750 fee on L-1 visas.

The House version merely imposes a \$1,500 fee increase on L visas without any attendant relief.

Immi says: H-2B petitions for the second half of FY2006 can now be filed starting Dec. 1, 2005.



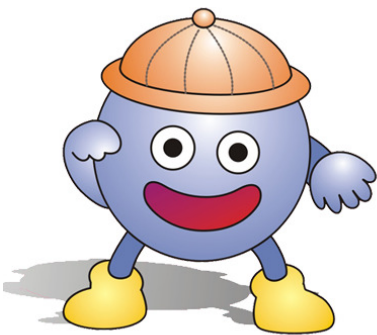
GEARING UP FOR THE SECOND HALF OF THE H-2B CAP

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

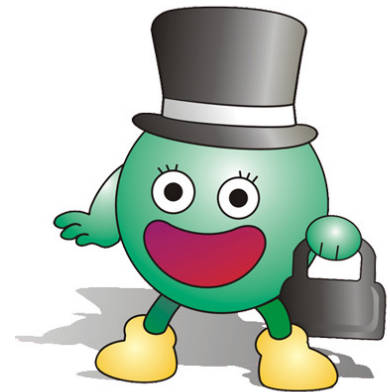
USCIS has confirmed that 8 CFR 214.2(h)(9) applies to cap-subject H-2B petitions filed for the second half of FY2006, which begins on April 1, 2006. However, because of the limiting

120-day rule, December 1, 2005 marks the first day H-2B petitions can be filed for the second half of FY2006.

DOL also has re-confirmed its position that an H-2B labor certification is good for a year. Thus, a petitioner unable to obtain an H-2B approval in the first half of the year may use the same temporary labor certification for the remaining period of validity in the second half of a fiscal year. Please note that the 33,000 cap for the second half of FY 2006 applies to non-exempt H-2B petitions. The returning H-2B worker exemption provided by the Save Our Small and Seasonal Businesses Act of 2005 (SOSSBA) remains in effect for all of FY2006. USCIS will continue to accept petitions for these returning H-2B workers at any time during FY 2006.



Immies say: Ha!! Remember “Blue” is the new look of a PERM certification and the DOL will no longer use a certification stamp.



BLUE LABOR CERTIFICATIONS

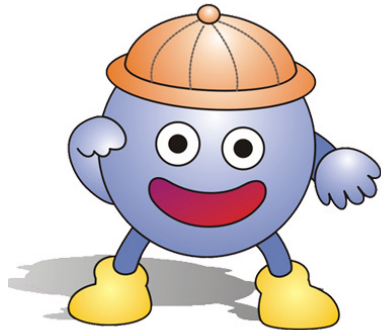
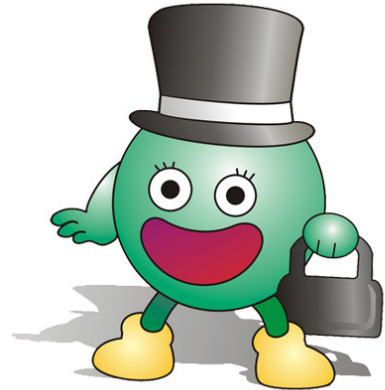
SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

The Department of Labor has advised that, "starting Monday, November 7, 2005, PERM certifications issued by DOL will have a **new look**. The certification will be printed on blue-colored paper. In addition, the certification stamp will no longer be used. This change in paper does not change requirements for stakeholders or for the program."

QUICK INFORMATION BYTES

Immi, Jr. says: For F-1s, please remember you may have to apply for a transit visa if your flight home makes a stop in another country before you reach your home destination.

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

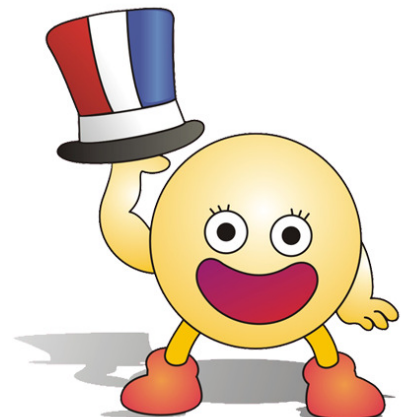


Immi says: If you have been approved for permanent residence and you have not received your “green card” in a few months, then you may be able to schedule an appointment via INFOPASS to go to the local CIS office and get a I-551 stamp in your passport.

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

Citizen Immi says: Don’t ever discard your old passports. Keep your old passports together with your current passport.

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)

Disclaimer

OLSEN LAW FIRM provides the information on these pages as a public service, free of charge. Information contained on these pages is not intended as, and should not be taken as, legal advice. The use of information provided on these pages should not be taken as establishing any contractual or other form of attorney-client relationship between OLSEN LAW FIRM and the reader or user of this information.

While we would like to hear from you, please understand that merely contacting us does not create an attorney-client relationship between us. We cannot represent you or become your lawyers in any way unless (1) we know that doing so would not create conflict of interest with any of the clients we currently represent or have represented in the past and (2) satisfactory arrangements have been made between us for our representation.

While we have provided links to other World Wide Web sites, we cannot be and are not responsible for the contents of these other sites. We expressly disclaim any liability with respect to actions taken or actions not taken based on content received from a third-party web site linked, directly or indirectly, to the OLSEN LAW FIRM web site.

The link to another site is not to be construed in any way as an endorsement of the host, the site, or the information contained therein, nor is such link to be inferred as an association or affiliation with the host.

Listing of related or included practice areas herein by individual attorneys or by OLSEN LAW FIRM does not constitute or imply a representation of Certification of Specialization.

Immi, Jr., Immi, and Citizen Immi © 2002 by Terrence L. Olsen.