



November 2006

Hello,

IMMIGRATION LAW UPDATE:

Immigration Webinar

On Tuesday, December 12 at 8:30 AM, Clark Hill's Immigration Group will host a webinar entitled "Why Can't I Get a Date?: Understanding Green Card Priority Dates and Employment-Based Green Card Delays". This is a free, one hour internet-based seminar which will provide information about employment-based green card delays, which have resulted from priority date backlogs. To participate, all you need is your phone and a computer with internet access. Registration can be completed on the [Clark Hill website](#).

Online Status Checks for Old Labor Certifications

The [Department of Labor](#) has established a website that allows persons to check the status of a pending Labor Certification filed before the PERM process was established in March 2005 (RIR or traditional Labor Certification). The website provides the current status of the case, but does not give an estimate as to when a case will be processed. The case number for the old Labor Certification, still pending with the Department of Labor's Backlog Elimination Center, is necessary to check the status.

New US Passport Rules

As reported in a [previous Immigration Update](#), passports for US citizens will soon be required for all international travel, including trips to Canada and Mexico. For air and sea travel, passports will be required beginning January 1, 2007. The date for requiring US passports for land travel has been pushed back to January 1, 2009, at the latest. This date is an outside window, and a firm deadline will be decided based on how quickly the system can be put into place. It is estimated that only 26% of Americans have a passport. However, the State Department is now receiving 225,000 applications a week, up 70 percent from 2004. For information about applying for a passport, please see our [previous Immigration Update](#).

Visa Waiver e-Passport Update

Travelers from Andorra, Brunei and Liechtenstein, where e-passports are not yet available, must continue to obtain a [B-1 or B-2 visitor visa](#) to enter the US, if their passport was issued on or after October 26, 2006. In July 2005, the US Department of Homeland Security (DHS) announced the requirement that only e-passports will be accepted for Visa Waiver entries after October 26, 2006. These passports contain a chip with the passport holder's biographic information and a biometric identifier (such as a digital photograph), which securely identifies the

passport holder, defends against identity theft, protects privacy, and decreases the use of fraudulent documents. DHS recently announced that as of October 26, 2006, 24 of the 27 Visa Waiver Program countries are issuing e-Passports. Machine-readable passports with a digital photograph issued before October 26, 2006 or machine-readable passports issued before October 25, 2005 may still be used for travel to the US. Travelers may verify whether their passport meets the requirements by visiting the DHS website.

Delay in H-1B Decisions

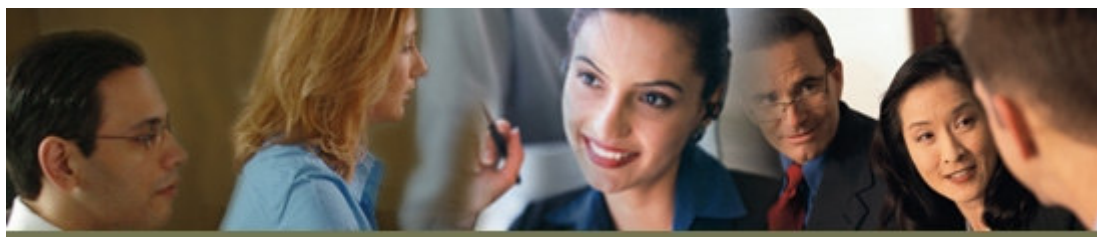
Although the start date for new H-1B workers for fiscal year 2007 has passed (October 1, 2006), many applicants have not yet received an approval of their H-1B application. This is due to the large number of applications USCIS must adjudicate, and because of the new bi-specialization process (discussed in a previous Immigration Update). New H-1B applications are now being handled at one Service Center (Vermont). For those who have not yet received an approval, Premium Processing is available. To apply for Premium Processing, a \$1000 fee is paid and a determination is made on the case within 15 days.

Immigration Law in 2006

The immigration attorneys at Clark Hill subscribe to several daily immigration news sources to keep us apprised of changes and events in the field. On October 24, 2006, one of these updates provided an example of how strange Immigration law is at this time. It touched on issues including: bribery of US border officers, slavery, changes to the H-2B seasonal worker process, and complex deportation cases. See the attached document for a copy of this update.

Upcoming Clark Hill Webinars

On Tuesday, November 14 at 8:30 am, Clark Hill's Employment Group will offer a webinar entitled "Key Retirement Plan Provisions of the New Pension Protection Act of 2006." For more information, or to register, please visit Clark Hill's website.



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