



Immigration Law Update



The Ryan, Swanson & Cleveland Seattle Immigration Group is committed to providing excellent service and efficient communication to our clients.

January 25, 2009

Happy Lunar New Year

We here at Ryan Swanson wish all of our clients a Happy Lunar New Year. This New Year brings many changes, including the election of Barack Obama as the next President of the United States. We anticipate positive immigration reforms with the new Obama administration and Congress.

Deadline for H-1B Applications Approaching

Each year there are only 65,000 numbers available for H-1B temporary workers. In addition to the 65,000 H-1Bs available for holders of Bachelor's degrees, 20,000 additional H-1Bs are available for individuals with a Master's degree or higher degree earned at a U.S. university. The first date a petition can be filed for the next fiscal year is Wednesday, April 1, 2009, six months in advance of October 1, 2009 which is the date the individual can begin work. It is not too early to begin planning for the filing of this very popular visa category. If you have any employees you wish to consider filing an H-1B for this fiscal year, especially those who are currently in TN or L-1B status or running out of H-1B six year maximum time limits, please fill out our [H-1B Questionnaire](#) and email it back to our office as soon as possible.

E-Verify Program Delayed

Regulations requiring certain government contractors to begin using E Verify to confirm the work authorization in the United States of new hires and existing employees who are assigned to work on a government contract were to become effective on January 15, 2009. However, on December 23, 2008, the U.S. Chamber of Commerce and other organizations commenced litigation in the U.S. District Court for the District of Maryland to enjoin the application of the regulations and to declare them invalid. The regulations are set to become effective on February 20, 2009. If you have any questions on how this program could affect your company, please contact our office.

New H-2B Regulations Have Gone Into Effect

As of January 18, 2009, employers wishing to employ H-2B seasonal workers will have all new regulations. We are monitoring the DOL and USCIS and will keep you informed of how these changes to the H-2B process will affect our clients.

New Passport Regulations for Travel in North America

All persons traveling by **air** outside of the United States are required to present a passport or other valid travel document to enter or re-enter the United States. Individuals traveling by **land** or **sea** need to present either (a) a passport, passport card (scheduled to be in full production beginning in July 2009), or WHTI-compliant document; or (b) a government-issued photo ID, such as a driver's license, along with proof of citizenship, such as a birth certificate.

Effective June 1, 2009 the U.S. government will require most individuals entering the United States at sea or land ports of entry to have a passport, passport card, or Western Hemisphere Travel Initiative-compliant document. U.S. citizen children under the age of 16 will be able to present the original or copy of their birth certificate, or other proof of citizenship such as a naturalization certificate or citizenship card. Groups of U.S. citizen children ages 16 through 18, when traveling with a school or religious group, social organization, or sports team, will be able to enter under adult supervision with originals or copies of their birth certificates or other proof of citizenship. **Please contact our office before any travel outside of the United States.**

Immigration Group News

On February 12, 2009, Rachel Huneryager will be speaking at the 2009 AILA NW Conference on H-1Bs, H-1B1s pursuant to Free Trade Agreements with Chile, Singapore, and E-3s for Australian Citizens. Janet Cheetham will be speaking at the annual AILA conference in June on TN and other NAFTA issues.

Please contact us if you have any questions: www.SeattleImmigrationGroup.com