



Summer 2009

## 7 Hot Issues Emerge from the AILA Annual Conference

Janet Cheetham and Joel Paget just returned from speaking at the AILA Annual Conference. Janet was a panelist discussing recent changes in NAFTA and TN applications. Joel was a panelist discussing the impact on foreign employees as a result of mergers and acquisitions. Some of the major highlights of the conference are below:

1. USCIS is committed to processing permanent residency cases for immediate relatives and naturalization applications within six months.
2. The Department of Labor (DOL) has launched a new website which revised the Labor Condition Application procedure with a new form ETA 9035E. The new website can be found at [www.icert.doleta.gov](http://www.icert.doleta.gov).
3. The DOL continues to audit pending PERM labor certifications and will increase supervised recruitment if needed. The current backlog for initial review of unaudited cases is 8 months, and 12-18 months for audited cases.
4. H-2B (temporary worker) visas have undergone processing and timeline changes. These changes went into effect 01/01/09. These visas seem to get harder and harder to obtain each year.
5. Each of the Service Centers has increased the number of Request for Further Evidence (RFE's) for cases, especially H-1B Computer Consultants and L-1B specialized knowledge cases. Our office has found that once the additional documentation is submitted, most if not all cases are approved.
6. Immigration and Customs Enforcement (ICE) will continue to enforce the employer sanction regulations, but will seek to concentrate on larger abusive employers.
7. Department of State: The hot topic was the new Form DS-160 which must be electronically submitted for any visa to be issued.

This is just an overview of some of the items discussed at the conference. Contact us for details or questions.

### Projections for Availability of Immigrant Visa Numbers for 2009-2010

The Department of State Visa Office has made predictions for the availability of immigrant visa numbers for the remainder of Fiscal Year 2009 (FY2009) and next year.

1. The EB1 category worldwide will remain current for the rest of FY2009 but demand is high.
2. The EB1 categories for India and China will be current for July 2009, but if the demands for EB1 visa numbers remain heavy, there could be a backlog before the end of FY2009.
3. For EB2 India and China, there are visa numbers available in July 2009 for those who have priority dates of January 1, 2000 or earlier. The EB2 India and EB2 China visa numbers may become unavailable in August or September 2009.
4. The EB3 worldwide category will remain unavailable. As of October 1, 2009, it is predicted that EB3 visa numbers will be available for those with priority dates of March 1, 2003.
5. EB3 visas for India, China, and Mexico applicants will remain unavailable for the rest of FY2009. The following priority date cut-offs are expected as of October 1, 2009: China and Mexico will be March 1, 2003; India will be November 1, 2001. These are just estimates on current demand and much could change through the rest of FY2009.
6. 2.7 million family-based applicants are on the waiting lists for consular processing, in addition to approximately 50,000 employment-based applicants.

What this means for our clients is that the backlogs will continue and therefore it is critical to plan ahead for an employee's future in the US.



## U.S. Dispatches 700 More Border Agents to Canadian Border

If you think there have been inconsistencies at the Ports of Entry over the last few years, it will not get better for a long time. Just days after a passport requirement for Canadians crossing U. S. land borders took effect, the United States is preparing to dispatch 700 more agents to patrol its northern border according to the *Ottawa Citizen*. The move, confirmed yesterday by U.S. Customs and Border Protection, represents a 45% increase over current staffing of 1,550 agents. It will bring the total number of northern U.S. border agents to about 2,200 by September 2010, more than a six fold increase since 9/11. These new agents do not have years of experience with immigration and customs issues. If you would like some assistance in making the best case possible at the border, please call on us.

## Ryan Swanson News & Notes

Joel Paget and Janet Cheetham were recently honored as 2009 Best Lawyers. Those listed in the *Best Lawyers in America* list are chosen through an exhaustive survey in which lawyers are confidentially evaluated and voted on by their peers.

Joel and Janet were each listed again in the latest issue of *Washington Law & Politics* magazine as "2009 Super Lawyers." Only 5% of the lawyers in the state are named to the list.

Earlier this year, Rachel Huneryager was named by *Washington Law & Politics* as a "2009 Rising Star" in the Washington legal community. No more than 2.5% of the lawyers in the state are named to the Rising Stars list.

Janet recently spoke at the Washington State Bar Association "Immigration Related Issues for the Non-Immigration Attorney" seminar.

Janet has been named Chair of the Liaison Committee with the USCIS for the local AILA Chapter for 2009-2010.

*"Immigration is the sincerest form of flattery."*  
- Jack Paar

## Ryan Swanson Personal Profile: Brenda M. Ferderer, Paralegal



Our featured immigration group member this month is Brenda Ferderer. Brenda has more than 16 years of experience as an immigration paralegal.

### Q: What do you enjoy most about the immigration group at Ryan Swanson?

A: *I enjoy helping people to live and/or work in the United States and find it incredibly rewarding to help them obtain their dreams.*

### Q: What makes you great at your job? What tools aid you in your success?

A: *I am committed to always producing the best results in the most efficient manner. I have several years of experience working in the immigration field and find E-Immigration and the AILA newsletter to be great resources for information.*

### Q: What do you like to do in your free time?

A: *I enjoy spending time at our vacation home in Eastern Washington where my fiancé and I kayak and hike amid the wildlife. It is a peaceful place to unwind.*

Brenda processes both family-based and employment-based immigration matters. She works closely with our clients to unite families and obtain employment visas and permanent residency status.

## Need More Information?

Everyone at Ryan Swanson welcomes an opportunity to show you who we are and how we can help you.



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