



In This Issue...

- [Summer-Sun, Sand, Vacations and VISAS! Summer Travel for Foreign Nationals](#)
- [H-1B Cap Update - Half Gone for Non-Advanced Degree Cap Cases](#)
- [ICE's Increased Enforcement Activities](#)
- [President Bush Calls for Compromise on Immigration](#)
[Immigration Provisions Pass In the Senate](#)

Summer-Sun, Sand, Vacations and VISAS! Summer Travel for Foreign Nationals

As the summer months are usually the busiest travel period of the year, foreign nationals should both verify their eligibility to leave the U.S. and ensure that they possess the proper immigration documentation to re-enter the U.S. before they make international travel plans.

Some foreign nationals need permission to leave the U.S. and must be careful to obtain it before departing. Foreign nationals in F-1 and/or J-1 status should confirm their eligibility to travel with their educational institutions or sponsoring organizations. In addition, foreign nationals seeking permanent residence with Adjustment of Status Applications pending with the United States Citizenship and Immigration Service (USCIS) may need "permission" (a/k/a Advance Parole) in hand from the USCIS before leaving the U.S.

As a general rule, in order to re-enter the U.S. after a trip abroad, foreign nationals must be eligible to be admitted to the U.S. and possess both a valid passport (valid for at least six months beyond expiration of their current status) and a valid unexpired VISA in their passport from a U.S. Consulate/Embassy/Diplomatic Mission. It is also recommended that those foreign nationals with work authorized visas, e.g., H-1B visas, obtain a current employer letter from their employers verifying their work status before traveling.

Those who do not already possess a valid unexpired visa reflecting their current status from one of their previous visits to a U.S. Consulate/Embassy/Diplomatic Mission will need to obtain one before returning to the U.S. As a standard part of the visa application process, the State

Department requires that consular officers interview almost every visa applicant. Some U.S. Consulates/Embassies/Diplomatic Missions may have a long wait for an interview, so applicants should contact the appropriate U.S. Consulate/Embassy/Diplomatic Mission to schedule an interview as early as possible in advance of their trip. Please visit the State Department's website at the following address for the wait times for U.S. Consulates/Embassies/Diplomatic Missions around the world: http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php

Further, depending on the foreign national's country of origin, e.g., Pakistan, Iran, Indonesia, and/or the technology/products he/she works with, it is possible that his/her visa application will be sent to the State Department in Washington, D.C. to be reviewed by several agencies. Because of the number of visa applications subject to this additional scrutiny and the need for thorough security reviews, this process can take several months. As the process to obtain a visa for many foreign nationals could be long and arduous, decisions to travel for those that need to obtain a visa in order to re-enter the U.S. should be carefully considered. International travelers should always contact the specific U.S. Consulate/Embassy/Diplomatic Mission at <http://usembassy.state.gov/> where they intend to apply for their visa in order to confirm application procedures and required documentation. [\[back\]](#)

H-1B Cap Update - Half Gone for Non-Advanced Degree Cap Cases

The USCIS has updated its count of H-1B petitions filed toward the annual numerical limitation for the coming fiscal year which begins October 1, 2006. As of May 12, 2006, the statistics are as follows:

- Of the 58,200 spaces available to new H-1B beneficiaries, 6,033 petitions have been approved and 28,775 cases are filed and pending; and
- Of the 20,000 H-1B spaces available to U.S. advanced degree holders, 1,392 petitions have been approved and 3,246 cases are filed and pending.

These statistics reflect that over half of the available 58,200 H-1B non-advanced degree cases already have been counted against the cap.

Updates of these figures will be published at <http://www.uscis.gov/graphics/services/tempbenefits/cap.htm> as they become available. [\[back\]](#)

ICE's Increased Enforcement Activities

U.S. Immigration and Customs Enforcement (ICE) agents arrested five unauthorized workers employed by the Los Angeles Department of Water and Power (LADWP) last week, capping a year-long joint review of the utility's hiring records by ICE and LADWP. Eight unauthorized workers were arrested according to a May 16, 2006, ICE New Release. The illegal workers identified during ICE's investigation held both professional and non-professional positions, ranging from a management analyst and customer service representative to a water sampling technician and a maintenance worker. One of the unauthorized employees was an electrical engineering associate.

The unauthorized workers identified during the review of the LADWP's nearly 7,000 employee records included foreign nationals from five countries - Ethiopia, Nigeria, El Salvador, Mexico, and the Philippines. All of the unauthorized workers were processed for administrative immigration violations and will be placed in deportation proceedings. ICE may seek to criminally prosecute one of the workers for making a false claim to U.S. citizenship.

The LADWP cooperated fully with ICE's investigation, which is part of ICE's ongoing effort to target illegal workers with access to critical infrastructure worksites around the country, such as

nuclear plants, U.S. military installations, airports and seaports. The May 16th New Release also indicates that there is no evidence that any of the unauthorized workers have terrorist ties.

As further evidence of ICE's enforcement activities, on May 9, 2006, four construction supervisors and 76 illegal alien workers were arrested at Fisher Homes Construction Sites in Kentucky as a result of an investigation by ICE, the Internal Revenue Service-Criminal Investigation Division and local law enforcement. According to the ICE News Release, those arrested included a construction manager and three superintendents. Each of the defendants was charged in a criminal complaint with aiding and abetting and harboring illegal aliens for commercial advantage or private financial gain. The maximum possible punishment for their crimes is up to ten years in prison and/or a \$250,000 fine.

ICE investigations and criminal convictions have increased dramatically from 2004 to 2005, per ICE statistics. This increase is the result of ICE's ongoing efforts to target illegal employment practices through criminal investigations, prosecutions and asset seizures.

As described in the May 9, 2006, ICE News Release, other ICE worksite enforcement cases have included:

- On May 2, 2006, Robert Porcisanu, the owner of an Indiana business that performed stucco-related services at construction sites in at least seven Midwest States, was charged with money laundering, harboring illegal aliens, transporting illegal aliens, and false statements in connection with an illegal employment scheme. The business owner faces as many as 40 years in prison. ICE is also seeking the forfeiture of \$1.4 million. His firm was allegedly able to undercut the bids of contractors to perform work at construction sites by taking advantage of cheap labor costs from the use of illegal alien employees.
- On April 19, 2006, ICE agents arrested seven current and former managers of IFCO Systems North America Inc., in Albany, New York, charging them with harboring illegal aliens for financial gain. ICE agents also apprehended 1,187 of the firm's illegal alien employees in connection with search warrants and consent searches executed at more than 40 IFCO locations nationwide. The arrests were the result of a year-long investigation of IFCO, which determined that more than half of IFCO's employees during 2005 had invalid or mismatched Social Security numbers. IFCO, based in Houston, Texas, is the largest pallet services company in the United States.
- On April 14, 2006, the operators of Baltimore's best-known sushi restaurants agreed to forfeit more than \$1 million and pleaded guilty to criminal charges of conspiracy to commit alien harboring and money laundering in connection with an illegal alien employment scheme. The investigation found that the operators of the three Kawasaki restaurants in Baltimore exploited cheap, illegal labor to maximize profits in order to purchase new homes and luxury vehicles for themselves.
- On April 11, 2006, a federal indictment was unsealed in Ohio charging two temporary employment agencies and nine individuals with hiring and harboring illegal aliens, mail and wire fraud, and laundering approximately \$5.3 million. The indictment alleged that HV Connect, Inc. and TN Job Service, Inc. provided hundreds of illegal alien employees to unwitting companies in Ohio by falsely representing that they were legal. The indictment also alleged that the owners of these agencies used the profits from this scheme to build a new home and purchase jewelry for themselves. [\[back\]](#)

President Bush Calls for Compromise on Immigration

On Monday, May 15, 2006, President George W. Bush addressed the subject of illegal immigration during his live 17-minute television speech from the Oval Office. President Bush offered a menu of proposals on the issue.

The centerpiece of President Bush's speech was his proposal to deploy National Guard troops in Texas, New Mexico, Arizona and California to guard the southern border with Mexico. Under the plan, 6,000 National Guard members would be deployed at any one time, with units rotating in and out every two or three weeks, coinciding with their annual training routines. The Guard forces would be under the control of governors in the affected States, who would have to sign on to the plan, but the costs of their deployment would be picked up by the federal government. President Bush has recently requested \$1.9 billion to pay for these measures as well as additional security proposals.

President Bush also combined a call for considerable increases in the number of border patrol agents and the number of beds in immigration detention centers and endorsed proposals that would give many illegal immigrants a chance to become legal and eventually gain citizenship. He also reiterated his proposal for a guest worker program giving some immigrants the right to work in the U.S. temporarily while also proposing to strengthen enforcement by creating an identification card system for foreign workers that would include digitized fingerprints. [\[back\]](#)

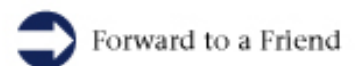
Immigration Provisions Pass In the Senate

The Senate approved a proposal to construct about 370 miles of "triple layer" fencing on the southwest border along with 500 miles of vehicle barriers. It is estimated that this type of fencing would cost about \$3.2 million a mile, but the cost would be offset by reductions in the expense of detaining and processing people illegally crossing the border. The House has approved 700 miles of fencing.

The Senate agreed to a proposal that would deny potential citizenship to convicted criminals and those who ignored deportation orders. It is estimated that about 500,000 illegal aliens out of more than 11 million could fall under the plan, most for failing to comply with deportation orders.

The Senate voted overwhelmingly to preserve the proposed guest worker program. The government program would allow up to 325,000 low-skilled foreign workers to enter the U.S. each year to work in positions not occupied by U.S. citizens. Also, the Senate voted to reject an amendment that would have delayed the guest worker program and given illegal immigrants who are already in the United States a path to legal status until after border security had been greatly enhanced.

The Senate voted to delay a requirement that U.S. citizens returning to the United States from cruises and short visits to Canada or Mexico show passports or high-tech ID cards. The Senate voted to push the deadline from January 1, 2008 to June 1, 2009. Currently, the driver's license or birth certificate of a U.S citizen returning from a short trip usually satisfies custom and border officials. [\[back\]](#)



For more information, please contact
[Alice DeTora](mailto:adetora@rc.com) at 860-275-8234 (adetora@rc.com)
or [Megan Naughton](mailto:mnaughton@rc.com) at 860-275-8263 (mnaughton@rc.com)
or [Joshua Mirer](mailto:jmirer@rc.com) at 860-275-8344 (jmirer@rc.com).

© 2006 Robinson & Cole LLP

All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission. This newsletter should not be considered legal advice and does not create an attorney-client relationship between Robinson & Cole LLP and you. Consult your attorney before acting on the information in this newsletter.

This email was sent to: **Archive@rc.com**

This email was sent by: Robinson & Cole LLP
280 Trumbull Street Hartford, CT 06103 Attn: Client Relations



We respect your right to privacy - [view our policy](#)

[Manage Subscriptions](#) | [Update Profile](#) | [One-Click Unsubscribe](#)