



B E A C H - O S W A L D
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Beach-Oswald Immigration Law Associates Newsletter

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We succeed when others don't!

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Premium Processing Service Now Available for Certain I-140 Petitions



As of March 2, 2009, certain workers filing an I-140 Immigrant Petition for Alien Worker will be allowed to request premium processing service, which guarantees that the petition will be adjudicated within 15 days.

Premium processing of I-140 Petitions will only be available to those immigrant workers who have reached their 6th year of H-1B nonimmigrant visa status (the maximum amount of time that one is allowed to remain in H-1B status), or will reach their 6th year of H-1B status within 60 days of filing the I-140 petition. A further caveat is that the premium processing service will only be available to those H-1B workers who are ineligible to extend their H-1B status under Section 106(a) of the American Competitiveness in the Twenty-first Century Act (AC21), and are only eligible to extend their H-1B status upon approval of the I-140 Petition as mandated by Section 104(c) of AC21. To find out whether you qualify for expedited processing of your I-140 Petition, please contact one of our experienced lawyers.

To read the USCIS announcement, please [click here](#).

EB-5 Regional Center Pilot Program Scheduled to End March 6



The EB-5 program allows foreign entrepreneurs to become US green card holders by investing money in a US business. The EB-5 Pilot Program was originally created in 1992 to supplement the basic EB-5 investor program., and has a lot of the same rules as the regular EB-5 investor program-the investor must invest the minimum amount of capital (between \$500,000 and \$1,000,000) in a new enterprise that will create new jobs for Americans and thus promote economic growth in the US. However, the main difference is that the Pilot Program set aside an extra 3,000 immigrant visas for those entrepreneurs who invest in a commercial enterprise that is located within a USCIS approved "regional center" and it relaxed some of the rigid EB-5

Becoming a US Citizen While in the Military



USCIS recently released a helpful fact sheet on its website for anyone serving in the military that wishes to become a U.S. citizen. The fact sheet outlines the steps involved in applying for naturalization as a service member, as well as the eligibility requirements, many of which are relaxed or waived for military members. To read the fact sheet, please [click here](#).

rules, allowing entrepreneurs to qualify for a green card even if the new enterprise created new jobs in an indirect manner. The Pilot Program has been extended several times, but as it stands now, the program is scheduled to end at midnight on March 6, 2009, so anyone hoping to qualify under the EB-5 Regional Center Pilot Program will no longer be able to do so as of March 7, 2009. The regular EB-5 investor program will still remain in effect. There is hope however that the EB-5 Pilot Program will get extended once again-- on February 25, 2009 the House of Representatives passed a new bill that would extend the program through September 30, 2009. The bill is now under consideration by the Senate. More information on the sunset date of the EB-5 Pilot Program can be found on the USCIS website by [clicking here](#)

Visa Category for Special Religious Workers Expires March 6

Like the Investor Pilot Program, the religious worker program is also set to expire on March 6, 2009. This means that anyone hoping to come to the US and eventually obtain a green card as a



religious worker in a professional or non-professional capacity will no longer be able to apply under the program after March 6, 2009 by filing Form I-360 or Form I-485. This sunset date does not apply to religious ministers, who will continue to be able to profit from the special religious worker program. A bill was recently introduced that would extend the program through September 30, 2009, but it has not yet been passed by the Senate. To find out more, [click here](#).

Maryland to Toughen Driver's License Laws

Maryland is currently one of only four states in the US that does not check immigration status of anyone wishing to obtain a driver's license. However, Maryland's Gov. O'Malley recently backed legislation that would require drivers to prove their legal status



before they could be issued driver's licenses. Maryland government officials who favor the change say that many illegal immigrants from as far away as North Carolina come to Maryland to obtain legal driver's licenses, which overburdens Maryland's motor vehicle system. [Click here](#) to read the February 26, 2009 [Washington Post](#) Article about the possible upcoming change to Maryland's driver's license laws.

The Stimulus Bill and Its Effect on Foreign Workers



- There has been much talk about the stimulus bill (officially known as the American Recovery and Reinvestment Act of 2009), and many would like to

know how, if at all, the stimulus bill will affect foreign workers coming to the US on temporary work visas.

The American Immigration Lawyers Association (AILA) is working on providing some answers:

- Section 1611, called the Employ American Workers Act, requires certain financial institutions to offer jobs to qualified US workers before they hire any H-1B workers.
- Banks are forbidden from hiring H-1B workers for occupations where they have laid off US workers.
- These restrictions apply to employers that receive funding through the TARP Bill or through Section 13 of the Federal Reserve Act
- A full list of companies receiving such funding can be found on the Treasury Department's website, by [clicking here](#).

To find out how these new laws will impact your company and your workers, please contact one of the experienced lawyers at Beach-Oswald Immigration Law Associates.

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