



# Beach-Oswald Immigration Law Associates Newsletter

Washington, DC  
Immigration Lawyers

Issue 7 - June 13, 2008

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Beach-Oswald is a full-service law firm, concentrating on immigration law. We have special expertise in work visas, family based visas, visa waivers, green cards through family and employment and asylum. We have staff members who speak many different languages to assist you.

We succeed when others don't!

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## Vietnamese Adoptions to Require DNA Testing

In response to concerns about the adoption process in Vietnam, the USCIS office in Ho Chi Minh City will now be implementing DNA testing for Vietnamese adoption cases where the birth parent has been identified. USCIS hopes that the required testing will both confirm a child's status as an orphan and streamline the adoption process.

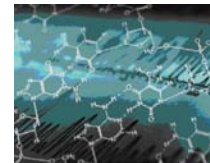
The USCIS also reminds prospective parents that the Vietnamese law authorizing adoptions between the U.S. and Vietnam will expire on September 1, 2008, and because the processing time for an adoption in Vietnam is at least 5-6 months, it is very possible that an adoption process started today may not be completed before September 1.

To access the latest information on adoptions in Vietnam, please visit the following websites:

[www.uscis.gov](http://www.uscis.gov)

[www.travel.state.gov](http://www.travel.state.gov)

[http://vietnam.usembassy.gov/orphan\\_visas.html](http://vietnam.usembassy.gov/orphan_visas.html)



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## Board of Immigration Appeals Welcomes Five New Members

Attorney General Mukasey has appointed five new members to the Board of Immigration Appeals:  
Charles K. Adkins-Blanch,  
Anne J. Greer, Garry D. Malphrus,  
Hugh G. Mullane and  
Linda S. Wendtland.

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### Quick Links

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:: 202-331-3074 ::

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## More Stringent Requirements for Visa Waiver Travelers

Beginning on August 1<sup>st</sup>, travelers from countries that are part of the Visa Waiver Program will need to log onto the Customs and Border Protection website ([www.cbp.gov](http://www.cbp.gov)) prior to their trip in order to obtain authorization for travel.



This new system is called the Electronic System for Travel Authorization (ESTA). Once a traveler enters his/her information online, the system will cross-check the information with several other agencies' databases to determine whether the applicant is eligible for travel. If the applicant is not cleared for travel, he or she will be directed to the State Department website to obtain information on how to apply for a visa at a U.S. consulate or embassy.

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## Department of Homeland Security Sued Over OPT Extension

Several anti-immigration groups including The Immigration Reform Law Institute (IRLI) together with The Programmers Guild, American Engineering Association, Brightfuturejobs.com, filed a lawsuit against Secretary Michael Chertoff and the Department of Homeland Security (DHS) in the U.S. District Court of New Jersey, challenging the DHS's new rule to extend Optional Practical Training (OPT). The new OPT rule extends the amount of time that foreign students with degrees in Mathematics, Engineering, Science or Technology are allowed to work in the U.S. from 12 months to 29 months. The IRLI contends that this new rule competes with the interests of qualified American workers. The lawsuit also states that DHS has exceeded its legal authority, claiming that the rule is just a way to get around the H-1B visa cap (currently set at 85,000).

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## Misprinted I-94 Cards Recalled

Customs and Border Protection (CBP) announced earlier this year that they received approximately 1 million I-94 cards that were missing the first digit.

The I-94 card is a small white card that all foreign nationals receive upon entry into the U.S., and that must be surrendered upon leaving the U.S. The I-94 card must contain 11 digits (nine digits, and then a space followed by 2 more digits). It is unclear how many misprinted cards were actually issued, but anyone with an incorrect I-94 card containing only 10 digits instead of 11 may request a new one from CBP. An incorrect I-94 card could pose problems when applying for a Social Security number, because the Social Security Administration does not issue Social Security Numbers to anyone presenting what appears to be an incorrect I-94 number.

Exemption Number: 742832036 01

U.S. IMMIGRATION  
2-57-995

Immigration and  
Naturalization Service

I-94  
Departure Record

SEP 13 1991

ADMITTED: L-1

UNTIL: July 10, 1993

CLASS:

14 Family Name: DOE

14 First Name: JOHN

14 Birth Date: 11.6.04.62

14 Country of Citizenship: U.K.

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## USCIS to Resume Premium Processing for Certain I-140 Petitions

On June 16, 2008 the USCIS will begin accepting premium processing requests for I-140 Petitions (Immigration Petition for Alien Worker) filed on behalf of certain workers that are nearing the end of their sixth year of H-1B status. Premium processing service requires a fee of \$1000 and promises a turnaround time of 15 calendar days. In order to apply for premium processing of your I-140 petition, the following must apply to you:

- You must be currently in an H-1B nonimmigrant status, and
- Your sixth year will end within 60 days

Premium Processing service is not available for those who have already run out of H time, those who have left the country or for beneficiaries that are in another nonimmigrant status.

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### **EB-3 Category To Become Unavailable as of July 2008**

The recently released July Visa Bulletin states that the Employment Based 3 (EB-3) category will become unavailable until October 1, 2008, which means that adjustment of status applications will continue to be accepted only through the end of June. The EB-3 category applies to skilled workers and professionals applying for permanent residence through their employer. If your priority date is prior to March 1, 2006, be sure to file your I-485 (Application for Permanent Residence) before the end of June 2008.