

Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. - U.S. and Canadian Immigration and Nationality Newsletter and Update.



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Dear Readers:

David H. Nachman, Esq., one of the Nachman Phulwani Zimovcak (NPZ) Law Group, P.C.'s Managing Attorneys, attended the Annual American Immigration Lawyers Association (AILA) Conference in San Francisco, California. At the Conference he met with Immigration Lawyer Colleagues from throughout the U.S. and Immigration Government Officials from Washington D.C. and local District Offices from across the Country and throughout the World, to discuss various new and burgeoning developments in the U.S. Immigration and Nationality Laws.

Of course, probably the most important issue that was discussed at the Conference was the proposed Comprehensive Immigration Reform Bill (S. 744). The impact that the new Bill will have on the U.S. Immigration and Nationality Law is dramatic. The single-most important provision of the Bill has to do with the potential grant of Registered Provisional Immigrant (RPI) Status to an estimated 11 million individuals in the U.S. who do not have status. On the employment-based side, there are significant changes that were proposed in the H-1B, PERM processing, and worksite enforcement arenas. We continue to update our readers about these developments on the NPZ YOUTUBE Channel using our easy-to-access-and-view videos.

In the shadow of the CIR, is the recent "Downfall of DOMA". On June 26th 2013, the Supreme Court decision in United States v. Windsor was released. The decision held that the Defense of Marriage Act (DOMA) is unconstitutional. DOMA is a discriminatory law denied thousands of legally married same-sex couples important federal benefits, including immigration benefits.

The Supreme Court agreed with the Obama Administration's position that DOMA's restrictions violate the Constitution. Janet Napolitano, the Secretary of the U.S. Department of Homeland Security (DHS) stated "we will implement today's decision so that all married couples will be treated equally and fairly in the administration of our immigration laws." This is very exciting and long overdue news but there will still be challenges for same-sex couples in the immigration process. Only twelve states and Washington, DC (in addition to 15 countries) recognize same-sex marriage. Civil unions or domestic partnerships-so far-do not appear to be covered by the ruling.

Traditionally, the immigration authorities have recognized family relationships based on where the couple was married, rather than where the couple lived. The continued application of that rule will ensure that a couple that legally married in Iowa, for example, but moved to a state like Colorado (which has a state constitution ban on gay marriage) can still be recognized as spouses under Federal immigration laws.

Allowing the U.S. immigration system to recognize same-sex bi-national couples will also make the U.S. attractive to global talent. We are given to understand that there are an estimated 36,000 same-sex bi-national couples in the United States, and those families include 25,000 children. We continue to strive to have LGBT/same-sex families included in the definition of the "American Family" which we strive to be reflected in our immigration laws. The Supreme Court's decision will guarantee all lawfully married couples equal rights with regard to immigration.

For more information about CIR, the "Downfall of DOMA", or any family-based or employment-based immigration issues, please feel free to contact the NPZ Law Group by e-mail at info@visaserve.com or by calling us at 201-670-0006 (x107).

[UNDOCUMENTED?
PERHAPS YOU HAVE
SOME U.S.
IMMIGRATION OPTIONS](#)

[CRITICAL UPDATE ON
INTAKE NUMBERS OF
FOREIGN SKILLED
WORKERS IN CANADA!](#)

**YOUR
IMMIGRATION
LAWYERS,
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LAW UPDATES ON
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NEWS UPDATES ON
THE WEB & ON TV.**



David Nachman, Esq. and Michael Phulwani, Esq., your Immigration and Nationality Lawyers, continue to bring employment and family-based immigration and nationality news and updates to your TV screen each week on TV Asia and iTV. Watch "YOUR IMMIGRATION LAWYERS" each week on iTV and TV Asia. Please contact us at info@visaserve.com for additional U.S. immigration law information or about how to subscribe to iTV or TV Asia.

One of NPZ's Canadian Immigration Lawyers, Veronique Malka, discusses Canadian Immigration Updates on TV Asia.



Quick Links

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VISA BULLETIN](#)

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ARE WE HALF WAY THERE? U.S SENATE PASSES HISTORIC IMMIGRATION REFORM LEGISLATION.

Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. applauds the U.S. Senate for passing comprehensive immigration reform legislation (S. 744) by a vote of 68-32 (including 14 Republicans). The vote reflects how far the country has come to understand how important immigration reform is to the health and well-being of the nation as a whole.

Regardless of what may come next, the vote reflects the fact that the social and economic benefits of immigration reform are tangible and achievable. There will be much work ahead to continue to perfect the policies reflected in this bill.

[FOR DETAILED INFORMATION ABOUT THE CIR BILL IN THE SENATE, PLEASE CLICK HERE . . .](#)

Please feel free to visit our [CIR page](#) at www.visaserve.com for up-to-date information about Comprehensive Immigration Reform.

CAN CIR BE ECONOMICAL? THE CBO SAYS SO.

One major issue surrounding CIR is the cost and/or benefit that the CIR would have to taxpayers and on our government. Recently, the Congressional Budget Office stated that the "Senate immigration bill would cut deficits by \$200 billion over decade".

The recent CBO report predicts that the proposed CIR Bill, S.744, will generate savings for the Nation for many years even after millions of new citizens become eligible for healthcare and welfare benefits. The White House welcomed the CBO report about how the CIR Bill would lead to economic growth and help reducing deficits.

[TO READ MORE, PLEASE CLICK HERE . . .](#)

PRESIDENT OBAMA'S RECENT STATEMENT ABOUT THE COMPREHENSIVE IMMIGRATION REFORM BILL CLEARING THE SENATE.

On June 27th, 2013, the Senate passed a historic Immigration Reform Bill which is now at the doorstep of the House for approval.

Following the passage of the Bill in the Senate, President Obama stated "I thank Majority Leader Reid, Senator Leahy, Senator Schumer, and every member of the 'Gang of Eight' for their leadership, and I commend all Senators who worked across party lines to get this done."

The President also added "the Senate did its job. It's now up to the House to do the same." We remind our readers to stay-tuned for CIR developments in the U.S. House of Representatives. Remember that the CIR can only become LAW if the Senate and the House agree and the President signs!

[FOR MORE INFORMATION, PLEASE CLICK HERE . . .](#)

SPECIAL EMPLOYER IMMIGRATION UPDATE: DON'T GET CAUGHT WITH YOUR LCA PANTS DOWN: U.S. DOL H-1B AUDITS AND INVESTIGATIONS

Employers who hire H-1B professional and specialty occupation employees are required by law to submit a completed Labor Condition Application (LCA) on DOL Form ETA 9035E in the manner prescribed by the regulations.

By completing and signing the LCA, the employer attests to several items called "attestations". These attestations concern the employer's responsibilities to the H-1B nonimmigrant employee, including the wages, working conditions, and benefits to be provided to the potential H-1B worker that will join the employer's pool of employees.

[TO READ MORE ON H-1B AUDITS & INVESTIGATION, PLEASE CLICK HERE . . .](#)

If you, or any member of your staff, should have any questions about the LCA or the H-1B investigation by the U.S. Department of Labor (DOL), please feel free to contact the Immigration Lawyers and Attorneys at the NPZ Law Group by e-mailing us at info@visaserve.com or by calling us directly at 201-670-0006 (x100). Our staff assist clients nationwide with regard to DOL investigations and Audits.

USCIS FLOWCHART FOR FILING CERTAIN WAIVERS FOR INADMISSIBILITY: A PICTURE IS WORTH A THOUSAND WORDS.

Many of our clients and potential clients ask us about the process flow for a waiver. The below flowchart (SEE LINK) will help you to understand

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[UPCOMING EVENTS](#)

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the steps in the Waiver process.

If you are abroad, and a U.S. consular officer has determined that you are ineligible for an immigrant visa or nonimmigrant K or V visa because you are inadmissible to the United States, then you may be able to file an application for a waiver of inadmissibility.

If you have been removed from the United States and need permission to reapply, in addition to a waiver of inadmissibility, you may be able to seek permission to reapply for entry into the United States at the same time you request a waiver of your ground(s) of inadmissibility. We recently found a USCIS flowchart on filing certain waivers of inadmissibility, including the filing and adjudication process, where to file, exceptions, and more.

[TO VIEW THE WAIVER FLOW CHART. PLEASE CLICK HERE . . .](#)

****THIS INFORMATION IS PROVIDED COURTESY OF AILA - of which David Nachman, Esq., one of the Managing Attorney at NPZ Law Group, is the Former State of New Jersey Chapter Chair and Member of the AILA National Board of Governors.*

INSIDE STORY: THE STATE OF ARIZONA HAS A HURDLE FOR DACA STUDENTS.

Recently, the State of Arizona filed a lawsuit against the Nation's largest community college system following the Obama's Administration DACA Program for young immigrants pursuing their education in school and colleges.

The lawsuit was filed against the community college seeking to reduce tuition fees for DACA eligible students. The lawsuit reveals the Arizona's strong opposition to the federal program that has allowed more than 350,000 young immigrants to avoid deportation and stay in the U.S legally to pursue further education and work.

[TO READ MORE, PLEASE CLICK HERE . . .](#)

VISA BULLETIN NEWS: THE JULY VISA BULLETIN IS OUT! NOW IT IS YOUR TURN TO CHECK IT OUT!

Contrary to predictions by some of our colleagues, there has not been a significant advance in priority dates in the EB-2 category for India. An advance may occur in August or September. We will do our best to keep you posted. Here is what we have for July, 2013 . . .

[FOR DETAILED INFORMATION, PLEASE CLICK HERE . . .](#)

"IMMIGRATION NEWS AND VIEWS" - NPZ'S NEW PRACTICAL SERIES ON YOUTUBE ABOUT VARIOUS U.S. AND CANADIAN IMMIGRATION LAW ISSUES.

NATIONAL INTEREST WAIVERS (NIW): Is the EB-2 for you?



National Interest Waivers, EB-2, Exceptional Ability, Master's Degree, Mississippi Phosphate, NYSDOT, NIW, ETA 9089

H-1B PROFESSIONAL AND SPECIALTY OCCUPATION WORK VISAS: IS THERE A GRACE PERIOD AFTER TERMINATION?





H-1B Nonimmigrant Professional and Specialty Occupation Worker
Visa, LCA, Termination, Grace Period, 10 days?, H1B, employer.

**ARE YOU UNDOCUMENTED? PERHAPS YOU HAVE
SOME U.S. IMMIGRATION OPTIONS**



Undocumented, out of status, RPI, U visa, 245(i), admissibility, entry,
marriage, waiver, provisional waiver, green card, immigrate.

**CRITICAL UPDATE ON INTAKE NUMBERS OF
FOREIGN SKILLED WORKERS IN CANADA!**



Canadian Immigration, FSW, Canada, Visas, Availability, opportunity,
North, Foreign Skilled Worker, Application, CIC

