

Immigration Inbox: News You Can Use

U.S. Immigration:

1. *DOL and DHS Issue Guidance on Hurricane Sandy Relief; USCIS Extends Deadlines* - The Department of Labor's Office of Foreign Labor Certification issued an FAQ on extensions and accommodations allowed to those affected by Hurricane Sandy. Also, U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security, issued a reminder on immigration benefits or relief that may be available to those affected.

2. *State Department projects immigrant visa numbers for the next few months* - Cut-off date likely for China Employment Fifth Preference later in FY 2013.

3. *Joint U.S.-Canada Entry/Exit Pilot Begins* - In October, both agencies began exchanging information so that recording an entry into one country becomes a record of exit from the other country.

4. *Taiwan Joins Visa Waiver Program* - In FY 2011, 243,186 visitors from Taiwan traveled to the United States. Eligible Taiwanese will now be able to do so without a visa beginning on November 1.

5. *USCIS Announces New Filing Option for Canadian TN Nonimmigrants, Reminds Employers of Canadian L-1 Options* - On October 1, USCIS began accepting the Form I-129, Petition for Nonimmigrant Worker, filed on behalf of Canadian citizens outside the United States who seek classification as TN (Trade NAFTA) nonimmigrants.

6. *USCIS Designates Military Physicians as Civil Surgeons To Facilitate Medical Exams* - USCIS said the blanket designation will assist members and veterans of the Armed Forces and their eligible dependents in receiving immigration medical examinations in a timely fashion.

7. *USCIS Undercounts H-1B Usage* - The data show that the agency has approved approximately 45,000 too few overall between fiscal years 2008 and 2012.

8. *USCIS Releases Latest DACA Statistics* - 4,591 requests have been approved so far.

9. *DHS Extends Haiti Temporary Protected Status (TPS), Extends Suspension of Certain Requirements for F-1 Haitian Students* - The 60-day re-registration period for current Haiti TPS beneficiaries who wish to maintain their TPS will run through November 30, 2012.

10. *DHS Partners With Loews Hotels & Resorts* - Through the new partnership, Loews Hotels offers its YouFirst Platinum loyalty rewards members complimentary enrollment in the Global Entry program.

Seyfarth Workforce Authorization Team (SWATeam)

1. *E-Verify Mandated in Four States in 2013* - Georgia, North Carolina, Pennsylvania, and Tennessee have all passed mandatory work authorization verification laws, the final provisions of which take effect in 2013.

2. *USCIS Launches Online I-9 Resources for Employers and Employees in Spanish* - The website provides employers and employees one-click access at no charge to Spanish-language resources, tips, and guidance on properly completing the I-9 and understanding the I-9 process.

3. *Justice Dept. Settles with Florida Janitorial Services Company* - The agreement resolves allegations that the company violated the antidiscrimination provision of the Immigration and Nationality Act when it failed to fully reinstate an employee in retaliation for asserting her right to work in the United States.

4. *Justice Dept. Intervenes in Suit Against Texas Farm for Discriminating against U.S. Worker* - The Department alleges that the company discriminated against one of two U.S. citizen applicants when it refused to hire him based on his citizenship status.

Also in this issue:

Global

Seyfarth Immigration Events and News

U.S. Immigration

1. DOL and DHS Issue Guidance on Hurricane Sandy Relief; USCIS Extends Deadlines

The Department of Labor's Office of Foreign Labor Certification (OFLC) issued an FAQ on extensions and reasonable case accommodations in light of the damage done to certain East Coast areas in the United States as a result of Hurricane Sandy. Also, U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), issued a reminder on immigration benefits or relief that may be available to those affected.

OFLC

The OFLC FAQ notes that the agency recognizes that some employers may not be able to respond in a timely manner to requests for information or documentation. Accordingly, OFLC said it will review storm-related requests for extensions individually.

OFLC provided the following contact information:

For questions or requests for extensions in replying to audits from the OFLC Chicago National Processing Center related to the programs listed below, e-mail TLC.chicago@dol.gov; Subject: Hurricane Sandy; or telephone the Center at (312) 886-8000.

- H-2A Temporary Agricultural Program
- H-2B Temporary Nonagricultural Program
- H-1B Specialty Occupations Program

For questions or requests for extensions related to the issuance of a prevailing wage determination from OFLC's National Prevailing Wage Center, e-mail FLC.PWD@dol.gov, Subject: Hurricane Sandy; or telephone the Center at (202) 693-8200.

For permanent labor certification (PERM) program-related questions or requests for extensions related to responding to audits or supervised recruitment instructions, including draft advertisements, e-mail PermSandy@dol.gov; Subject: Hurricane Sandy; or telephone the Center at (404) 893-0101.

The OFLC FAQ is available [here](#).

USCIS

USCIS reminded those affected by Hurricane Sandy of certain U.S. immigration benefits or relief that may be available to them, stating it understands that a natural disaster can affect an individual's ability to maintain lawful immigration status or obtain certain other immigration benefits. Eligible individuals may request or apply for temporary relief measures, including:

- a change or extension of nonimmigrant status for an individual currently in the United States, even when the request is filed after the authorized period of admission has expired;
- extension or re-parole of individuals previously granted parole by USCIS;
- expedited adjudication of off-campus employment authorization applications for F-1 students experiencing severe economic hardship;
- expedited adjudication of employment authorization applications; and
- assistance to legal permanent residents (LPR) stranded overseas without immigration or travel documents, such as permanent resident cards (green cards). USCIS said it and the Department of State will coordinate on these matters when LPRs are stranded in places that do not have a local USCIS office.

Where appropriate, USCIS said it may exercise its discretion to allow for delays in filing resulting from the hurricane. This may include, for example:

- assistance to those who have not appeared for an interview or submitted required forms of evidence. The affected person may show how the disrupting event affected his or her connection to USCIS and the ability to appear or submit documents as required; and
- assistance to those who have not been able to respond to Requests For Evidence (RFEs) or Notices of Intent to Deny (NOID). USCIS said it "will extend the deadline for individuals to respond to RFEs or NOIDs by 30 days. This will apply to all RFEs and NOIDs with a deadline of October 26 through November 26, 2012. During this time, USCIS will not issue denials based on abandonment of an application or petition."

Visitors traveling under the Visa Waiver Program may visit a local USCIS office for assistance. USCIS asks that affected visitors check whether their local USCIS office is open before going. Individuals affected by the hurricane who are at a U.S. airport may contact the nearest U.S. Customs and Border Protection office for assistance.

Lists of local USCIS offices are available [here](#).

Office closures are updated [here](#).

USCIS's announcement is available [here](#).

2. State Department projects immigrant visa numbers for the next few months

The U.S. State Department, Visa Office, will likely establish a cut-off date for the EB-5 China employment-based fifth preference category for investors during the second half of fiscal year 2013. The Visa Office noted that "[s]uch action would be delayed as long as possible, since while number use may be excessive over a 1 to 5 month period, it could average out to an acceptable level over a longer (e.g., 4 to 9 month) period." This would be the first time a cut-off date has been established in the EB-5 category, the Visa Office noted, explaining that this is why "readers are being provided with the maximum amount of advance notice regarding the possibility." The Visa Office reported that this advisory is based strictly on the current demand situation, and that demand patterns can change over time. Therefore, "this should be considered a worst

case scenario at this point,” the Visa Office said.

The Visa Office said that categories with a “Current” projection “will remain so for the foreseeable future,” with the possible exception of the China employment fifth preference category mentioned above.

Projected monthly forward progress for the employment-based categories are:

Employment First: Current

Employment Second:

Worldwide: Current

China: five to eight weeks/month

India: no movement

Employment Third:

Worldwide three to five weeks/month

China: one to two months/month

India: up to two weeks/month

Mexico: three to five weeks/month

Philippines: one to three weeks/month

Employment Fourth: Current

Employment Fifth: Current

The Visa Bulletin for December 2012 is available [here](#).

3. Joint U.S.-Canada Entry/Exit Pilot Begins

DHS and the Canada Border Services Agency (CBSA) have begun the Phase I pilot of the Entry/Exit program, as outlined in the Beyond the Border Action Plan.

Routine biographic information will be collected under the pilot until January 31, 2013. In October, both agencies began exchanging this information so that recording an entry into one country becomes a record of exit from the other country. The pilot will not affect regular port operations in any way.

As part of the pilot, DHS and CBSA will exchange routinely collected data on third-country nationals (those who are citizens of neither Canada nor the United States), permanent residents of Canada, and lawful permanent residents of the United States at the following four ports of entry:

- Pacific Highway, Blaine, Washington/Pacific Highway, British Columbia;
- Peace Arch, Blaine, Washington/Douglas (Peace Arch), British Columbia;
- Lewiston-Queenston Bridge, Lewiston, New York/Queenston-Lewiston Bridge, Ontario;and
- Rainbow Bridge, Niagara Falls, New York/Niagara Falls Rainbow Bridge, Niagara Falls, Ontario.

DHS said the coordinated entry/exit system will help the U.S. and Canada identify persons who overstay their lawful periods of admission; better monitor the departure of persons subject to removal orders; and verify that residence requirements are being met by applicants for continued eligibility in immigration programs.

DHS noted that the process of sharing personal information will be in accordance with each country's privacy laws and policies. It will also be consistent with the Beyond the Border Action Plan's Joint Statement of Privacy Principles and a Letter of Intent agreed to by DHS and CBSA.

The announcement is available [here](#).

4. Taiwan Joins Visa Waiver Program

On October 2, 2012, the Department of Homeland Security announced the designation of Taiwan for participation in the Visa Waiver Program (VWP). Taiwan thus joins 36 other countries in the VWP, which permits visa-free travel to the United States for eligible travelers coming for 90 or fewer days for business or tourism. In fiscal year 2011, the VWP accounted for 18.3 million visits to the United States, or more than 60 percent of tourist and business travelers entering the United States by air, the Department noted.

Key security and information-sharing requirements for the VWP include enhanced law enforcement and security-related data-sharing, timely reporting of lost or stolen passports, and maintaining high counterterrorism, law enforcement, border control, aviation, and document security standards.

Eligible Taiwanese passport holders must apply for advance authorization for the VWP through the Electronic System for Travel Authorization (ESTA). Eligible Taiwanese passport holders approved via ESTA may visit the United States without visas beginning on November 1, 2012. In FY 2011, 243,186 visitors from Taiwan traveled to the United States.

The announcement is available [here](#).

ESTA is available [here](#).

5. USCIS Announces New Filing Option for Canadian TN Nonimmigrants, Reminds Employers of Canadian L-1 Options

On October 1, 2012, USCIS began accepting the Form I-129, Petition for Nonimmigrant Worker, filed on behalf of Canadian citizens outside the United States who seek classification as TN (Trade NAFTA) nonimmigrants.

With respect to the TN classification, USCIS previously only accepted the I-129 in connection with a request to extend a TN nonimmigrant's stay or to change a nonimmigrant's status to TN. Canadian citizens continue to have the option of applying to U.S. Customs and Border Protection (CBP) for TN classification in conjunction with an application for TN admission to the United States.

USCIS also issued a reminder that an employer has the option of filing an I-129 individual petition with USCIS on behalf of a Canadian L-1 nonimmigrant. A U.S. employer with an approved L-1 blanket petition also has the option to file a Form I-129S, Nonimmigrant Petition Based on Blanket L Petition, along with supporting documentation, with the USCIS service center that approved the L-1 blanket petition, on behalf of a Canadian citizen (or any visa-exempt beneficiary) who is outside the United States. As before, Canadian citizens may apply for L-1 classification in conjunction with an application for L-1 admission to the United States by presenting the I-129 (individual petition) or I-129S (under an approved blanket petition) and supporting documentation to CBP.

The announcement, which includes links to additional information, is available [here](#).

6. USCIS Designates Military Physicians as Civil Surgeons To Facilitate Medical Exams

USCIS has granted military physicians a blanket designation as civil surgeons to facilitate the medical exam required for members and veterans of the U.S. Armed Forces and certain dependents. USCIS said the blanket designation will assist members and veterans of the Armed Forces and their eligible dependents in receiving immigration medical examinations in a

timely fashion.

USCIS noted that if medical officers of the U.S. Public Health Services are not available when persons arrive for admission to the United States, USCIS may designate civil surgeons to perform the tests. Physicians qualify for civil surgeon designation if they are licensed and have at least four years of professional experience. The licensing requirement, which defines “licensed physicians” as those licensed to practice medicine in the state where they render medical services, may discourage medical officers of the Armed Forces (military physicians) from becoming designated civil surgeons, USCIS observed. As a result, Armed Forces members and their dependents must pay for the immigration medical examination even though the services could easily be provided by military physicians at no cost. Additionally, the logistics to arrange for a medical exam by a non-military designated civil surgeon can sometimes be a burden to military members and their dependents, and distract from a military member’s readiness. To ease these difficulties, USCIS decided to issue the blanket designation. Participation is voluntary and at the discretion of each military medical facility, USCIS said.

Additional details are included in USCIS’s policy memorandum issued on September 26, 2012, and available [here](#).

7. USCIS Undercounts H-1B Usage

Reports have surfaced that USCIS has undercounted H-1B usage by almost 15 percent over the past five years. USCIS must approve 65,000 H-1B visas per year but the data show that the agency has approved approximately 45,000 too few overall between fiscal years 2008 and 2012. Sources attribute the discrepancy to inaccurate estimates of denial rates.

8. USCIS Releases Latest DACA Statistics

USCIS’s Office of Performance and Quality has released the latest statistics on the Deferred Action for Childhood Arrivals (DACA) process as of October 10, 2012, showing that 179,794 requests have been accepted for processing; 158,408 biometric service appointments have been scheduled; 6,416 requests are under review; and 4,591 requests have been approved.

9. DHS Extends Haiti TPS, Extends Suspension of Certain Requirements for F-1 Haitian Students

DHS has published a notice in the Federal Register extending Haitian temporary protected status (TPS) for an additional 18 months, ending on July 22, 2014.

The 60-day re-registration period for current Haiti TPS beneficiaries who wish to maintain their TPS began on October 1, 2012, and will run through November 30, 2012. Individuals who have not continuously resided in the United States since January 12, 2011, are not eligible.

The 18-month extension also allows TPS re-registrants to apply for a new employment authorization document (EAD). Eligible Haitian TPS beneficiaries who timely re-register will receive a new EAD, if requested, with an expiration date of July 22, 2014. USCIS recognizes that all re-registrants may not receive their new EADs until after their current EADs expire. Therefore, USCIS is extending currently valid TPS Haiti EADs bearing a January 22, 2013, expiration date for an additional six months, through July 22, 2013.

In addition, DHS is extending the suspension of certain requirements for F-1 nonimmigrant Haitian students. The extension will enable these F-1 students to continue to obtain employment authorization, work an increased number of hours while school is in session, and reduce their course load, while maintaining their F-1 student status. The suspension of the regulatory requirements will remain in effect for an additional 18 months, through July 22, 2014.

The announcement is available [here](#). The Haitian TPS extension notice was published in the Federal Register [here](#). The F-1 extension notice was published [here](#).

10. DHS Partners With Loews Hotels & Resorts

Secretary of Homeland Security Janet Napolitano recently announced a new partnership between the DHS and Loews Hotels & Resorts to promote the Department's expedited traveler programs, which includes CBP's Global Entry and the Transportation Security Administration's (TSA) Pre TM.

Currently available at 30 U.S. airports, Global Entry streamlines the screening process for trusted travelers using biometric identification and reduces average wait times by 70 percent, according to DHS, with more than 75 percent of travelers using Global Entry processed in under five minutes. More than a million people are enrolled in Global Entry, and these travelers have used its automated kiosks more than three million times.

The TSA Pre TM pre-screening initiative allows eligible passengers to volunteer information about themselves to expedite their screening. Eligible passengers enter a separate security lane where they receive expedited screening, and may pass through screening technology without removing shoes, light outerwear, belts, laptops, or 3-1-1 compliant liquids/gels from their carry-on. To be eligible, participants must be U.S. citizens traveling through one of the 25 participating U.S. airports and members of CBP Trusted Traveler programs or select frequent flyers of participating airlines. More than 2.8 million passengers have received expedited screening through TSA Pre TM security lanes since the initiative began in October 2011, DHS said.

Through the new partnership, Loews Hotels offers its YouFirst Platinum loyalty rewards members complimentary enrollment in the Global Entry program. CBP will review the applicant's information; conduct an in-person interview at a CBP enrollment center, including providing fingerprints; and complete a background check.

The announcement is available [here](#).

Seyfarth Workforce Authorization Team (SWATeam)

1. E-Verify Mandated in Four States in 2013

Georgia, North Carolina, Pennsylvania, and Tennessee have all passed mandatory E-Verify laws, the final provisions of which take effect in 2013:

- Georgia: Larger employers already must use E-Verify, but HB 87 requires all Georgia employers with more than 10 employees to use E-Verify by July 1, 2013.
- North Carolina: Similarly, larger employers already must use E-Verify, but HB 36 requires employers that employ between 25 and 100 employees to use E-Verify by July 1, 2013.
- Pennsylvania: Effective January 1, 2013, the Public Works Employment Verification Act (SB 637) requires contractors and subcontractors performing public works projects for Pennsylvania worth at least \$25,000 to use E-Verify for newly hired employees.
- Tennessee: The Tennessee Lawful Employment Act (HB 1378) requires employers with 6 to 199 employees to use E-Verify (or otherwise verify the work authorization of new hires) by January 1, 2013. Larger employers are already required to do so.

2. USCIS Launches Online I-9 Resources for Employers and Employees in Spanish

On October 4, 2012, USCIS launched a Spanish-language version of I-9 Central, an online resource center providing information and assistance related to the Form I-9 (Employee Eligibility Verification), the most frequently accessed form on USCIS.gov. The website provides employers and employees one-click access at no charge to Spanish-language resources, tips, and guidance on properly completing the I-9 and understanding the I-9 process.

The launch of the Spanish I-9 Central is the most recent in a series of resource guides related to USCIS employment-related

forms and processes. These resources include E-Verify Self-Check, a service that allows workers and job seekers in the United States to check their own employment eligibility status online, and an updated Handbook for Employers: Instructions for Completing Form I-9 (M-274). Both are offered in Spanish.

I-9 Central includes sections about employer and employee rights and responsibilities, step-by-step instructions for completing the form, and information on acceptable documents for establishing identity and employment authorization. The site also includes a discussion of common mistakes to avoid when completing the form, guidance on how to correct errors, and answers to employers' recent questions about the I-9 process.

Spanish I-9 Central is available [here](#). The announcement is available [here](#). Spanish I-9 links are available [here](#).

3. Justice Dept. Settles With Florida Janitorial Services Company

The Justice Department has reached an agreement with Diversified Maintenance Systems LLC, a provider of janitorial and facilities maintenance services based in Tampa, Florida. The agreement resolves allegations that the company violated the antidiscrimination provision of the Immigration and Nationality Act (INA) when it failed to fully reinstate an employee in retaliation for asserting her right to work in the United States.

The charging party alleged that the company failed to provide the employee with proper notice and instructions for contesting an initial data mismatch in E-Verify, resulting in E-Verify issuing an erroneous final response that she was not work-authorized.

Although the employee immediately visited the Social Security Administration (SSA) after receiving verbal notice of the initial data mismatch and instructions from her supervisor, the employee alleged that the supervisor failed to give her the proper E-Verify paperwork that would have enabled the SSA to resolve the mismatch. As a result, the E-Verify program provided an erroneous final response, known as a "final nonconfirmation," to the employer, stating that the charging party was not eligible to work in the United States. The company subsequently terminated the employee, and the employee contacted the E-Verify hotline for help. An E-Verify agent notified the employer that the employee was authorized to work, but the employee's manager refused to reinstate her employment, allegedly because she contacted E-Verify and asserted her right to work under the antidiscrimination provision of the INA. The INA protects employees from discriminatory practices in the employment eligibility verification process, including E-Verify, and prohibits employers from retaliating against individuals who assert their rights or oppose a practice that is illegal under the provision.

Under the terms of the settlement agreement, the company agreed to pay \$6,800 to the employee, which included back pay and interest, along with a \$2,000 civil penalty. The company also agreed to training from the Justice Department on the antidiscrimination provision and training from dhs on proper E-Verify procedures. The case was settled before the Justice Department filed a complaint.

The announcement is available [here](#).

4. Justice Dept. Intervenes in Suit Against Texas Farm for Discriminating Against U.S. Worker

The Justice Department recently filed a motion to intervene in a lawsuit against Jerry Estopy, d/b/a Estopy Farms, a sorghum and soy farm in McAllen, Texas, which also provides equipment and equipment operators for harvests at other farms. The Justice Department seeks to intervene in a lawsuit filed by two U.S. citizens against the farm. The Department alleges that the company discriminated against one of the U.S. citizens when it refused to hire him based on his citizenship status.

According to the Department's complaint, a U.S. citizen with over 12 years experience operating cotton combines and tractors applied for a position with Estopy Farms as a cotton picker operator around June 2010. Estopy Farms hired a number of seasonal foreign workers but not the U.S. citizen. The department found reasonable cause to believe that the company did not hire the U.S. citizen because it preferred to hire foreign workers under the H-2A visa program.

Texas Rio Grande Legal Aid filed a lawsuit with the Office of the Chief Administrative Hearing Officer (OCAHO) within the Justice Department's Executive Office for Immigration Review on behalf of the two U.S. citizens on November 14, 2011. Because a complaint has already been filed, the department seeks to intervene in the existing lawsuit.

The announcement is available [here](#).

Global

Canada

IT Workers and Work Permits

Although Canada does not have an equivalent work visa to that of the U.S. H-1B temporary work visa, for years information technology workers could rather easily secure a Canadian Work Permit by obtaining a Canadian job offer under what was known as the Information Technology Worker Program. The IT Worker Program existed from 1997 until recently when it was shut down in all provinces.

Canadian work permits for IT workers are still possible if a Human Resources and Skills Development Canada (HRSDC) Service Canada Labour Market Opinion is obtained in one of three ways:

- (i) if the employment is in the province of Québec under a February 2012 Memorandum of Understanding between Citizenship and Immigration Canada and the provincial Québec government if the worker will be employed in one of 44 occupations (which include, among others, IT Consultants, Software Engineers and Designers, Computer Programmers, and Interactive Media Developers);
- (ii) if the employment is in the provinces of Ontario or British Columbia and in the video gaming and digital animation/visual effects industries and requires a Software Engineer and Designer or a Graphic Designer and Illustrator; or
- (iii) if the first two possibilities do not apply, then if the Minimum Advertising Requirements of HRSDC have been met and a determination made by HRSDC that the employment of the foreign national is likely to have a neutral or positive effect on the labor market in Canada.

Seyfarth Immigration Events and News

Seyfarth Shaw Immigration Attorneys' Recent Publications

Angelo Paparelli co-authored an article, accessible [here](#), published in the October 24 edition of the *New York Law Journal*. The article discusses what a permanent resident can do when he or she suspects that a green card might have been issued in error, and what immigration attorneys can do on behalf of their clients. This topic has become more relevant as yet another Federal Appeals court has effectively repealed a five-year statute of limitations preventing the immigration authorities from rescinding green cards that had been granted improvidently.

Seyfarth Immigration Attorneys' Recent Media Exposure

Angelo Paparelli was recently featured on the LexBlog TV network, discussing the potential impact of President Obama's Second Term on Immigration Law. (Tune at the 2:20 mark, to see Angelo discuss the President's use of the "hammer" of executive authority as a potential tool to encourage enactment of comprehensive immigration reform).

Click [here](#) to view video in a browser.

In addition, Angelo Paparelli has posted several new blog entries on his *Nation of Immigrators* public policy blog:

Editor's note: Check the Nation of Immigrators blog in the coming weeks, as Angelo drills down with specific suggestions to improve the immigration system, to make it more fair and welcoming, to reverse the brain drain and instead to serve as a multi-trillion-dollar stimulus.

Reforming Immigration "with Liberty and Justice for All"

In this blog post, Angelo goes beyond the usual discussion of comprehensive immigration reform which focuses on border and interior enforcement, a path to citizenship for the undocumented and future flows of immigrant workers. He proposes a variety of new laws that would make America more welcoming to the most desirable foreign citizens as the world's primary destination of choice. Angelo's proposals all center on the principle from the Pledge of Allegiance which provides "liberty and justice for all."

Barack Be Nimble: Go BIG and BOLD on Comprehensive Immigration Reform

Like Lyndon Johnson upon his unforeseen ascent to the highest office in the land, the timing is perfect for President Obama to seize the moment and go BIG and go BOLD on Comprehensive Immigration Reform.

Immigration and the Elections: Attention and Imagination Required

Angelo leans on the brilliance of two departed artists, director Rod Serling and author David Foster Wallace, in offering a pre-election plea that as voters, we collectively use both our attention and our imagination, and remember our origin as a nation of immigrants. Quoting Wallace:

"That is real freedom. That is being educated, and understanding how to think. The alternative is unconsciousness, the default setting, the rat race, the constant gnawing sense of having had, and lost, some infinite thing. . . ."

Immigration's NannyStateGate: Picking EB-5 Winners and Losers

Jon Stewart recently offered his usual sarcasm-saturated take to point out that -- whether the choice is made by government or the private sector -- consistently investing in winners while passing on likely losers is hard. Angelo uses Stewart's critique (found in the link above) as a launching pad to assail the government's continued bureaucratic interference with the EB-5 investor program, which ultimately discourages foreign investment in the United States.

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