

**WKG&J****WORMSER KIELY GALEF & JACOBS LLP**

IMMIGRATION HIGHLIGHTS - FEBRUARY 2011



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We're Growing!

The Immigration Practice Group at Wormser, Kiely, Galef & Jacobs LLP is pleased to welcome Patricia Gannon, John Quinn and Marcela Bermudez. With more than 40 years of combined experience, Patricia, John and Marcela have a wealth of experience representing clients in the telecommunications, pharmaceutical, information technology and banking industries. Please see below for information about their background and practices. And as always, we invite you to [contact us](#) throughout the year with any comments, questions or suggestions.

H-1B Update

On January 26, 2011, the annual quota of H-1B visas was reached. As a result, no new H-1B visas will be available until October 1, 2011. Applications for new H-1B visas can be filed beginning on April 1st. We encourage employers interested in sponsoring foreign workers for H-1B visa status to contact our office as soon as possible to discuss the application process.

As a reminder, the annual quota does not apply to individuals currently working in H-1B status in the U.S. who need to extend their stay or change employers, or to individuals seeking employment with institutions of higher education, nonprofit research organizations, government research organizations and certain related entities.

New Export Control Attestations on Form I-129

As of February 20, 2011, employers sponsoring foreign national workers for H-1B, L-1 and O-1 visa status will be required to certify that they have reviewed the Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR), and state whether a license is required from the U.S. Department of Commerce or Department of State before the company can release technology or technical data to these workers. It should be noted that, under U.S. law, the "release" of controlled technology or technical data is deemed an export even if the employer is not engaged in any other exporting activities. Information about the EAR and how to apply for a license is available at www.bis.doc.gov, and information about EAR's requirements relating to the release of controlled technology to foreign nationals is at www.bis.doc.gov/deemedexports. Details about the ITAR and how to apply for an export license can be found at www.pmdt.state.gov, and information about the ITAR's requirements relating to the release of controlled technical data is at www.pmdt.state.gov/faqs/license_foreignpersons.html.

Since export classifications and licensing determinations can be complex, we recommend that employers interested in sponsoring foreign workers for H-1B, L-1 or O-1 visas contact our office as soon as they have identified a potential hire so that we can discuss these issues at the start of the process.

Combined Employment Authorization/Advance Parole Document

The USCIS recently announced that it will begin issuing employment and travel authorization on a single card for adjustment of status (green card) applicants. The card will look similar to the current Employment Authorization Document (EAD) but will include language noting that it also serves as advance parole (travel permission). Single-page advance parole documents will no longer be issued. Employers may accept the new card as a List A document for I-9 employment eligibility verification purposes.

Spotlight On...

WKGJ's Newest Immigration Lawyers

Patricia Gannon focuses her practice on business immigration, representing clients in the telecommunications, pharmaceutical and banking industries, among others. She advises multinational companies on employment verification matters and develops compliance strategies and programs. Prior to joining WKGJ, Patricia was a shareholder at Greenberg Traurig. Previously she was the deputy district counsel for the INS and a special assistant to the U.S. Attorney for the Eastern District of New York. Patricia has published numerous legal articles and lectures nationally and internationally on immigration issues.

John Quinn has been practicing immigration law for fifteen years focusing primarily in the area of business immigration. He works extensively with and provides strategic advice to IT firms, athletes, sports organizations, educational institutions and consumer goods companies. Formerly a partner at Fragomen, Del Rey, Bernsen & Loewy, LLP, John is a member of the American Immigration Lawyers Association and the American Bar Association.

Marcela Bermudez advises and represents multinational companies, as well as individual clients including scientists, researchers, professional nurses and artists in connection with a variety of employment-based immigrant and nonimmigrant matters. Marcela also represents individual clients seeking family-based benefits. Prior to joining WKGJ, Marcela was an associate at Greenberg Traurig. Marcela concentrates her work in Latin America.

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