

CONTENTS

PREFACE.....	xiii
ABOUT THE EDITORS.....	xv
TABLE OF AUTHORS.....	1073
SUBJECT-MATTER INDEX.....	1079

PRACTICE BASICS AND STRATEGIES

* SOME KEY DEFINITIONS AND BASIC CONCEPTS, ABBREVIATIONS, AND THE PRIMARY IMMIGRATION STATUTES updated by Marcine A. Seid and Richard A. Boswell	1
* ETHICAL ISSUES FOR IMMIGRATION LAWYERS updated by Hamel Vyas	17
FINDING THE “GOLDEN MEAN” IN DUAL REPRESENTATION by Cyrus D. Mehta	29
* INITIAL INTERVIEWS by Stephen Yale-Loehr	37
* FILING PROCEDURES: BASIC REQUIREMENTS AND CONSIDERATIONS updated by Robert P. Webber and Mara S. Mijal	43
GETTING THE FACTS ON YOUR CLIENT: FOIA AND CRIMINAL RECORDS SEARCHES by John Patrick Pratt and Scott D. Pollock	53
STRATEGIES FOR DEALING WITH GOVERNMENT BACKLOGS AND DELAYS by Tammy Fox-Isicoff and H. Ronald Klasko	67

IMMIGRATION LAW ADVOCACY

IMMIGRATION REFORM: SHADOWS ON THE HORIZON OR A TRAIN PULLING OUT OF THE STATION? by Gerard M. Chapman	73
UNINTELLIGENT INTELLIGENCE REFORM: FEDERAL CONTROL OF DRIVER’S LICENSING by Denise C. Hammond and Margaret D. Stock	85

* Recommended “Core Curriculum” Reading

HIV/AIDS AND LAWFUL PERMANENT RESIDENCY: AN ANALYSIS OF THE HIV BAR, WAIVERS, AND PROSPECTS FOR CHANGE by GMHC Legal Services Department	97
---	----

HELPING IMMIGRANTS SHAPE OUR IMMIGRATION POLICIES by Mark Silverman and Bernardo Merino	113
---	-----

WORKING AND EMPLOYING (IL)LEGALLY

*WORK AUTHORIZATION IN THE UNITED STATES: A PRIMER updated by Ethan E. Kaufman and Careen B. Shannon	123
--	-----

* EMPLOYER SANCTIONS updated by Kevin C. Aiston	135
---	-----

THE ABRIDGED ENCYCLOPEDIA OF LABOR AND EMPLOYMENT LAW FOR IMMIGRATION PRACTITIONERS updated by Bonnie K. Gibson	145
--	-----

OCCUPATION-SPECIFIC ARTICLES

* PERMANENT RELIGIOUS WORKERS UNDER THE IMMIGRATION AND NATIONALITY ACT by Rodney M. Barker and Lia Suntoso	155
---	-----

HOW MUCH IS ENOUGH? DOCUMENTING THE ABILITY TO PAY IN RELIGIOUS WORKER CASES by Melanie R. Nezer and Joel Pfeffer	165
---	-----

* NONIMMIGRANT RELIGIOUS WORKERS: THE “R” VISA by Jan H. Brown	169
--	-----

STRATEGIES FOR TODAY’S NURSES AND OTHER HEALTH CARE WORKERS by Joyce L. Fleming	177
---	-----

PETITIONS BY TRAVEL NURSE COMPANIES: OVERCOMING THE HURDLES by Jeptha Evans	181
---	-----

THE EVOLUTION OF THE CONRAD WAIVER PROGRAM: TEN YEARS OF STATE-BASED J-1 WAIVERS TO PHYSICIANS by Robert D. Aronson	187
--	-----

LITIGATION TO RESTORE NIW RIGHTS FOR PHYSICIANS by Carl Shusterman	203
--	-----

EMPLOYMENT-BASED PERMANENT RESIDENCE

* EMPLOYMENT-BASED IMMIGRATION: THE FIRST THREE PREFERENCES
updated by Craig Miley 209

* FILING LABOR CERTIFICATION APPLICATIONS UNDER THE NEW PERM REGULATIONS
by Edward R. Litwin and Marcine A. Seid 227

THE “NEW NORMAL” JOB REQUIREMENTS:
 UNDERSTANDING O*NET AND ITS ROLE WITHIN PERM
by William A. Stock and Geoffrey Forney..... 261

SMALL BUSINESSES AND THE ABILITY TO PAY
updated by Rómulo E. Guevara with Yolanda Gallagher 277

EMPLOYMENT-BASED PETITIONS EXEMPT FROM LABOR CERTIFICATION
by Atessa Chehrazi, Laura Danielson, Rita Kushner, and Steven Ladik 291

* EB-5 IMMIGRANT INVESTORS
by Stephen Yale-Loehr 311

REMOVAL OF THE CONDITIONS ON
 PERMANENT RESIDENCE FOR IMMIGRANT INVESTORS
by Lincoln Stone..... 329

EMPLOYMENT-BASED NONIMMIGRANT VISAS

* H NONIMMIGRANTS
updated by Theresa Corcoran 343

A CAPITAL IDEA! ALL GOVERNMENTAL RESEARCH
 ORGANIZATIONS ARE EXEMPT FROM THE H-1B CAP
by Naomi Schorr 367

H-2B VISAS IN THE HOSPITALITY INDUSTRY
by Austin T. Fragomen, Jr...... 379

* INTRACOMPANY TRANSFEREES (L NONIMMIGRANTS)
updated by Barbara L. Bower 385

* E NONIMMIGRANTS
updated by John S. Brendel 393

* O & P NONIMMIGRANTS
updated by Jonathan Ginsburg 411

* B-1 BUSINESS VISITORS AND TN NONIMMIGRANTS
updated by Lynn Susser 429

* Recommended “Core Curriculum” Reading

B-1 VISITORS—U.S. TAX TRAPS FOR THE UNWARY by Paula N. Singer	441
NONIMMIGRANT VISA STRATEGIES FOR HIGHLY-QUALIFIED EXECUTIVES AND MANAGERS by Robert E. Banta and Peter N. Larrabee	453
UNMET LABOR NEEDS: NIV STRATEGIES FOR THE NONDEGREED WORKER by Dagmar Butte, Gerard M. Chapman, and Chéryl B. Williams	461
H, L, AND E VISAS: SOLUTION IN SMALL BUSINESS CONTEXT by Richard R. Rulon, Ramon Carrion, Allen Orr, and Mark A. Urbanski	479
OTHER NONIMMIGRANT VISAS	
* SEVIS STILL RULES: BUT IS IT WORKING FOR STUDENTS, SCHOOLS, AND HOMELAND SECURITY? updated by Ellen R. Gorman	487
CURRENT ISSUES FOR F-1S AND M-1S by Leila Freijy	511
* EXCHANGE CATEGORIES (J & Q) updated by Patsy Yung	519
UNDERSTANDING THE TWO-YEAR HOME RESIDENCE REQUIREMENT AND WAIVERS by William A. Stock	547
* THE B-2 VISITOR FOR PLEASURE—THE MOST ISSUED VISA updated by Sarah J. Hawk	555
* K-VISAS: THE “HYBRID” VISAS updated by Rita Provatas	563
* V NONIMMIGRANT VISAS: A NEW BREATH OF LIFE updated by Jonathan S. Greene and Lana G. Khoury	575
* UNCOMMON VISAS: C, TWOV, ITI, D, I, S, T, AND U NONIMMIGRANTS updated by Aimee Clark Todd	583
* THE VISA WAIVER PROGRAM updated by Matthew I. Hirsch	597
* CHANGE OF NONIMMIGRANT STATUS updated by Jennifer L. Simutis	609

ADJUSTMENT OF STATUS

*ADJUSTMENT OF STATUS FOR BEGINNING PRACTITIONERS
updated by Robert L. DeMoss II 623

AOS VS. CONSULAR PROCESSING—SOME CONSIDERATIONS
 WHEN ELECTING TO PROCESS FOR PERMANENT RESIDENCE
by Neil S. Dornbaum and Kathleen Peregoy 635

STRATEGIES FOR I-140 AND I-485 FILINGS: RECENT DEVELOPMENTS
by Judy J. Lee..... 641

ADJUSTMENT OF STATUS FOR PAROLED PERSONS: AN ENDANGERED SPECIES?
by Stanley Mailman and Stephen Yale-Loehr..... 645

CONSULAR PROCESSING

*STRATEGIC LAWYERING AT CONSULAR POSTS
by Jan M. Pederson and Michelle Funk..... 649

THE LAND OF CLASS, TIPOFF, MANTIS, CONDORS, AND DONKEYS
 DEMYSTIFYING SECURITY ADVISORY OPINIONS, BIOMETRICS, AND
 GOVERNMENT DATABASES INVOLVED IN THE CONSULAR PROCESSING FRAMEWORK
by Tien-Li Loke Walsh 671

FAMILY- AND DIVERSITY-BASED PERMANENT RESIDENCY

* FAMILY-SPONSORED IMMIGRATION
updated by Susan Fortino-Brown 693

* I-864 AFFIDAVIT OF SUPPORT REQUIREMENT
updated by Charles Wheeler..... 717

* REMOVING THE CONDITIONAL BASIS OF FAMILY-SPONSORED PERMANENT RESIDENCY
updated by Angela M. Bean 733

FALLING OUT OF LOVE: REPRESENTING CONDITIONAL RESIDENTS
 WHEN LIFE DOESN’T GO AS PLANNED, AND OTHER I-751 ODDITIES
by Steven C. Thal, Robert H. Cohen, and Valentine A. Brown 743

INTERNATIONAL ADOPTION—A BASIC GUIDE ON ORPHANS AND ADOPTED CHILDREN
by Daniel Marcus 753

* IMMIGRANT ELIGIBILITY FOR PUBLIC BENEFITS
updated by Tanya Broder 759

* Recommended “Core Curriculum” Reading

- * THE DIVERSITY LOTTERY—A DECEPTIVELY SIMPLE PROGRAM (AN UPDATE)
by Bernard P. Wolfsdorf and Naveen Rahman..... 783

NATURALIZATION AND CITIZENSHIP

- * NATURALIZATION AND CITIZENSHIP REQUIREMENTS
updated by Howard Hom 795

ADMISSION, REMOVAL, AND RELIEF

- * WHO CAN COME? DEVELOPMENTS RELATING TO ADMISSION TO THE UNITED STATES
updated by Anis N. Saleh and Mary E. Kramer 815

- A “BRUTAL NEED:” HOW THE APPLICATION OF EXPEDITED REMOVAL TO
 POTENTIAL REFUGEES VIOLATES THE FIFTH AMENDMENT
by Carrie E. Davenport 831

- * NUANCES OF UNLAWFUL PRESENCE
updated by Karen B. Koenig..... 847

- * IMMIGRATION CONSEQUENCES OF CRIMINAL CONVICTIONS:
 A PRIMER ON WHAT CRIMES CAN GET YOUR CLIENT INTO TROUBLE
by Anna Marie Gallagher..... 859

- A PRACTITIONER’S GUIDE TO REPRESENTING ALIENS
 SEEKING RELEASE ON BOND IN REMOVAL PROCEEDINGS
updated by Paromita Shah..... 879

- REPRESENTING AND COMMUNICATING WITH A DETAINED ALIEN BEFORE DHS AND IJ
by Hakeem Ishola..... 891

- BURDENS OF PROOF ISSUES IN REMOVAL PROCEEDINGS
by Chuck Roth..... 905

- FOOD FOR THOUGHT
by Dan Kesselbrenner..... 913

- REINSTATEMENT OF REMOVAL
by Trina A. Realmuto and Robert Pauw 919

- MOTIONS TO REOPEN *IN ABSENTIA* ORDERS
by Susan Compennolle 927

- * VOLUNTARY DEPARTURE UNDER IIRAIRA
updated by Douglas S. Weigle..... 935

- * Recommended “Core Curriculum” Reading

* CANCELLATION OF REMOVAL AND INA §212(c) RELIEF FOR PERMANENT RESIDENTS updated by Garry L. Davis, Jr.	943
* CANCELLATION OF REMOVAL FOR NON-LAWFUL PERMANENT RESIDENTS updated by John Ayala	953
* NONIMMIGRANT WAIVERS UNDER SECTION 212(d)(3) updated by Roberta Freedman and K. David Andersson	961
ADVANCED ISSUES IN CRIMINAL ALIEN WAIVERS by Raul E. Godinez and Mary E. Kramer	973

HUMAN RIGHTS AND PROTECTION

* ASYLUM AND WITHHOLDING OF REMOVAL updated by David L. Cleveland and Bina Hanchinamani Ellefsen	983
FEMALE GENITAL MUTILATION AND ASYLUM by David L. Cleveland	1007
* NACARA FOR GUATEMALANS, SALVADORANS, AND FORMER SOVIET BLOC NATIONALS updated by Mark Silverman and Linton Joaquin	1013

JUDICIAL REVIEW

PRACTICING DEFENSIVELY: EXHAUSTION OF ADMINISTRATIVE REMEDIES by Nancy Morawetz	1033
* THE NUTS AND BOLTS OF FEDERAL COURT LITIGATION updated by Matthew Guadagno	1037
HOW TO FILE A PETITION FOR REVIEW by AILF’s Legal Action Center	1045
FEDERAL COURT DECISIONS REGARDING THE “DISCRETIONARY DECISIONS” BAR TO JUDICIAL REVIEW IN NONREMOVAL CONTEXTS by AILF’s Legal Action Center	1059

CANADIAN IMMIGRATION LAW

RECOGNIZING SAME-SEX PARTNERS AS FAMILY MEMBERS: THE CANADIAN ALTERNATIVE by Nan Berezowski	1063
FUTURE DIRECTIONS IN CANADIAN IMMIGRATION LAW: TRAPS FOR THE UNWARY IMMIGRATION ATTORNEY by Howard D. Greenberg and Carter Hoppe	1069

* Recommended “Core Curriculum” Reading