



Joseph Law Firm, P.C.

Immigration Law Specialists

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NEWSLETTER

September/October 2011

Exciting News!

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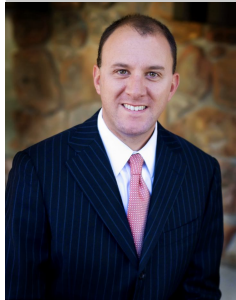
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Colorado Springs, CO 80903

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Jeff Joseph Serves as Chair of the American Immigration Lawyers Association Fall Conference and Collaborates as a Panel Member



Jeff Joseph, Senior Partner, was the chair of the American Immigration Lawyers Association Annual Fall Conference in Denver, Colorado in mid-September. The theme of the conference was Immigration at the Crossroads: An Interdisciplinary Seminar.

Jeff Joseph also moderated a panel on Rules of Evidence and Trial Practice in Immigration Proceedings. Other panel members included Immigration Judge Mimi Tsankov, Karen Steinhauser and Jodi Goodwin.

Aaron Hall was Selected as Chair of the Pro Bono Committee and Co-Drafter of an Amicus Brief



Aaron Hall, Associate Attorney, was selected to be the chair of the Pro Bono Committee for the Immigration Section of the Colorado Bar Association. The Pro Bono Committee will be focusing on trying to start a pro bono legal orientation program at the non-detained immigration court.

Mr. Hall was the co-drafter of an amicus brief, in April 2011, in support of a petition to the Colorado Supreme Court in *Kazadi v. People*. The Colorado Supreme Court granted the petition and a briefing on the issue of whether a criminal defendant has the right to apply for post-conviction review of a deferred judgment is scheduled for later this year. The decision is expected to greatly effect many immigrants who entered guilty pleas without being advised of deportation consequences and their efforts to withdraw those pleas as unconstitutional.

Melanie Corrin and Lindsey Lovgren Win Removal Defense Case



After eighteen months in removal proceedings, an Immigration Judge granted a Waiver of Removability under INA § 237(a)(a)(H) on the basis of good moral character and family unity, for our Lawful Permanent Resident client from Nigeria. Our client was permitted to remain in the United States as a Lawful Permanent Resident and will soon be eligible to apply for naturalization. She was placed in removal proceedings after an issue with her original adjustment application was discovered by U.S. Citizenship & Immigration Services, when she applied for naturalization almost two years ago. Her initial naturalization application was denied, but hopefully she will be able to become a U.S. citizen very soon! Our client was successfully represented by Senior Attorney, Melanie K. Corrin, with the help of Paralegal, Lindsey S. Lovgren.



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Immigration News and Firm Updates!

California Dreaming

Contributed by Linda Shindler, Paralegal



The California DREAM Act has been signed into law. The Act (AB 130), gives undocumented students access to "privately funded scholarships for attendance at community colleges, state colleges, and public universities" in that state. Because there is no cost to the taxpayers, the measure passed easily. With the passage of AB 130, the legislators are now looking at AB 131, a much more controversial bill, which would allow undocumented students to apply for state tuition assistance and Board of Governors fee waivers, at community colleges. AB 131 would also give these students eligibility for university grants. Given the current economic situation in the United States, but especially in California, AB 131 may not be what these students had hoped for, since they will be "last in line" for the financial benefits, after U.S. citizens and Permanent Residents. Nevertheless, to be given the opportunity to gain a college education, where none existed before, can only be counted as good.

DHS Initiatives to Promote Startup Enterprises and Spur Job Creation

Contributed by Aaron Hall, Associate Attorney

Earlier this month, Department of Homeland Security (DHS) Secretary Janet Napolitano announced a plan for stimulating investment by "attracting foreign entrepreneurial talent of exceptional ability or who otherwise can create jobs, form startup companies, and invest capital in areas of high unemployment."

DHS seeks to use its resources to more quickly and efficiently process immigration applications for those who qualify for certain employment-based or investment-based immigration benefits.

The announcement coincided with the release of an update FAQ section on EB-2 immigrant visas clarifying that entrepreneurs can qualify for EB-2 immigrant visas. An update FAQ section on H-1B visas makes clear that an H-1B beneficiary who is the sole owner of a petitioning company can establish a valid employer-employee relationship for the purpose of qualifying for an H-1B nonimmigrant visa. The announcement also confirmed that DHS will roll out previously proposed enhancements in the EB-5 investor immigrant program.

Temporary Restraining Order Issued In H-2B Prevailing Wage Hike Lawsuit

On September 21, 2011, the United States Northern District Court of Florida ordered a decision on *Bayou Lawn & Landscape Services, et al., Plaintiffs, v. Hilda L. Solis, et al., Defendants (Case No.:3:11cv445/MCR/EMT)*. The plaintiffs filed a Motion for Temporary Restraining Order (TRO) and Preliminary Injunction against the defendants. In order to satisfy either motion, the plaintiffs must show that a considerable threat exists and it is one of irreversible damage, this threat must prevail over any damages that the injunction may possibly cause to the defendants, and the public interest must be benefitted by the outcome of the court's ruling.

The plaintiffs showed that the defendants are not sanctioned, by statute, to issue either the Final Wage Rule or the Final Expediting Rule. These rules are not only barred by the Regulatory Flexibility Act, but they are additionally restricted by the Immigration and Nationality Act. If these rules were to go into effect, the plaintiffs' small business would be irrevocably harmed by its inability to no longer employ H-2B employees, which would surge the probability that the plaintiffs' business would be taken over by its competitors.

The court found that the plaintiffs have successfully proven that they meet the above listed requirements, thus granting the plaintiffs' application for a TRO. As a result, the wage increase has been delayed by the Department of Labor for 60 days.

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A full service Immigration law firm for over ten years. We use our knowledge, teamwork, professionalism and expertise to provide the highest quality legal services and results to individuals and businesses, one client at a time.

Our attorneys are all members of the American Immigration Lawyers Association, the national association of Immigration attorneys.

We have successfully represented clients before the Citizenship and Immigration Service, the Immigration Courts, the Board of Immigration Appeals, and the Federal Courts.

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