

Chalk up another victory for the sharks! Soon after the lawyers filed lawsuits on the behalf of H-1Bs who don't want to wait for their green cards, the USCIS backed down like a bunch of sniveling cowards.

It's worth noting that the USCIS is downplaying the threat posed by the lawsuits. They claim that it was public opinion that swayed them. Apparently the only "public opinion" they are listening to are those of the H-1Bs and the immigration lawyers. The statement below by the USCIS is simply appalling the way they casually disregard the American public.

The immigration agency [USCIS] announced Tuesday that public opinion had caused it to reverse an earlier government decision that prevented thousands of legal immigrants from obtaining work-based permanent visas.

This is being hailed by the ILW as a victory for ImmigrationVoice and Zoe Lofgren. As much as I hate to give credit to them, the ILW is correct. The protests that were staged and the threat of lawsuits did indeed produce a win for the H-1Bs at ImmigrationVoice.

I'll have to take issue with the ILW blurb below.

Anti-immigration activists - Their conspicuous absence during VB Gate reveals their true allegiance. These activists should have been working side by side to defend legal immigration if their claim to be anti-illegal immigration (but pro-legal immigration) was in fact true.

I don't consider this newsletter or my website to be "anti immigration". My emphasis is to bring some sanity back to immigration by controlling and restricting it. Handing out more green cards without adequate security checks and without proper labor certification is just plain irresponsible. Their characterization of the issue as "anti-illegal immigration" or "pro-legal immigration" is a red herring.

The Florida Sun Sentinel reported that "Hundreds of workers had sent bouquets to Washington as part of a peaceful protest". I have a tough time believing that the number is in the hundreds, but even if it was a few dozen it would be a far more impressive display of organizing than I have seen from any H-1B protest group. Angry Americans -- where the hell are you?

No doubt about it, ImmigrationVoice has done their civics homework. Of course it doesn't hurt to get funding from mega-rich corporations, free legal help from the sharks at AILA, and sympathetic media reports and politicians who all agree that our borders must be left open to the free flow of labor. Excuses aside, Americans should start asking themselves why they are allowing this to happen without even a whisper of a fight.

Articles Used

<http://www.ilw.com/immigdaily/#comment>

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Winners, Losers

http://home.businesswire.com/portal/site/google/index.jsp?ndmViewId=news_v

iew&newsId=20070718005589&newsLang=en

Azulay, Horn & Seiden's Class Action Lawsuit Paves Way for Government's Reversal in Green Card Gaff

<http://www.lawyersandsettlements.com/articles/01117/pr-green-card.html>

Azulay Horn & Seiden, LLC Files Class Action Law Suit against the US Government for Refusing to Accept Green Card Applications

<http://www.aila.org/content/default.aspx?docid=22922>

AILA Statement on Visa Bulletin Announcement: A Reversal for the Rule of Law

http://www.nytimes.com/2007/07/18/washington/18visa.html?_r=1&oref=slogi

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Skilled Workers Win Reversal of Decision on Green Cards

<http://www.sun-sentinel.com/news/local/southflorida/sfl-flbgreencard0718nbju>

118,0,1569785.story

Feds reverse green card decision

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Comment
Winners, Losers

The VB Gate scandal resulted in the following winners:
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Winners, Losers

The VB Gate scandal resulted in the following winners:

Immigration Voice - this is the first time that pro-immigration advocates have successfully waged an effective online media campaign, Immigration Voice was pivotal in setting the platform for decisive action. Take-away: leveraging online technology produces results.

Zoe Lofgren - her active leadership was critical in VB Gate reversal.

Take-away: show your support by contributing to her next campaign.

Azulay, Horn, & Seiden LLC and AILF - Azulay was the first law firm to file a lawsuit, while AILF stood ready to litigate. Take-away: Litigation is an effective stick and the immigration bar could be more aggressive in future litigation opportunities.

and the following losers:

USCIS, DOS - they have lost credibility and they have alienated their customers for no gain. Take-away: Hopefully, these agencies will seek input from the stakeholders, including immigrant websites, in the future.

Congress - The statutory language on visa allocation is not properly executed by the Executive Branch agencies, leading to fewer approved visas than the statute mandates. Take-away: Congress needs to solve this thru a technical amendment.

Anti-immigration activists - Their conspicuous absence during VB Gate reveals their true allegiance. These activists should have been working side by side to defend legal immigration if their claim to be anti-illegal immigration (but pro-legal immigration) was in fact true. Take-away: The media should not allow them to use "anti-illegal" as a moniker, rather anti-immigrants - legal and illegal - is more apropos.

We welcome readers to share their opinion and ideas with us by writing to editor@ilw.com.

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http://home.businesswire.com/portal/site/google/index.jsp?ndmViewId=news_view&newsId=20070718005589&newsLang=en

July 18, 2007 09:33 AM Eastern Daylight Time

Azulay, Horn & Seiden's Class Action Lawsuit Paves Way for Government's Reversal in Green Card Gaff

CHICAGO--(BUSINESS WIRE)--In response to the class action lawsuit filed by Chicago's largest immigration firm, Azulay, Horn & Seiden, LLC, the federal government announced plans to reverse their misguided course of action and accept green card applications from skilled legal immigrants. With this decision, tens of thousands of immigrants who had thought their chances to become legal citizens were dashed will now be able to apply for permanent residency.

The State Department and Citizenship & Immigration Services (CIS) said they will now accept employment based petitions under the July Visa Bulletin, at the pre-fee increase rates until August 17, 2007. Applications already filed, which the agency planned to reject, will be accepted.

Earlier this summer, the State Department announced that eligible skilled workers could submit applications to become legal residents. However, on July 2, the government falsely claimed that green cards were no longer available because CIS had reduced its backlog of green card applications, and all properly submitted applications would be rejected. Thousands of immigrants who had taken the time and money to accurately complete their applications, trusting the government to keep to its word, were left in limbo or were forced to consider leaving the United States, as the distribution of green cards was indefinitely suspended.

While various organizations threatened to file suit, Azulay, Horn & Seiden was the first and only to file a complaint against the State Department, the Department of Homeland Security, CIS, Secretary of State Condoleezza Rice, Secretary of Homeland Security Michael Chertoff, and Emilio Gonzalez and F. Gerard Heinauer of CIS. The representative plaintiff in the class action lawsuit was Chicagoan Gabriela Ptasinska, a native of Poland who is lawfully present in the United States on a non-immigrant visa, working as a land planner.

"Azulay, Horn & Seiden was happy to pave the way for the government's reversal of its decision with our class action suit," said Ira Azulay, firm CEO. "We are pleased that the State Department and CIS acknowledged their mistakes and are taking the appropriate steps to correct their mishaps. Now, deserving U.S. residents will have the opportunity to attain the citizenship they have worked so hard to achieve. We want to thank everyone who worked with us to achieve this result during this difficult process."

The firm is reviewing the announcements and plans to move to dismiss the

suit once it is confident that the government has followed through on its statements and it is confirmed that all potential plaintiffs will not suffer any harm as a result of this situation.

Mr. Azulay added "It is a shame that the federal government's actions throughout this process leave everyone with such a low level of trust that we are unable to just accept their most recent statements and presume they will do what they say. We have to wait until they follow through to know they are serious."

Mr. Azulay is available to speak to members of the media about this new development.

Azulay, Horn & Seiden, LLC (www.ahslaw.com) is Chicago's largest immigration law firm and the fourth largest immigration firm in the country. AHS provides comprehensive U.S. immigration legal services for businesses and individuals (including visa petitions, green card services, consular assistance, naturalization proceedings, immigration representation in all U.S. Courts, and appellate work), immigration consulting to businesses, and immigration related legal services (e.g. family law, criminal law). Its main office is located at 205 N. Michigan Ave., 40th Floor, Chicago, IL 60601, with other offices in Florida, Wisconsin, and Manila, Philippines. For more information contact them at 312.832.9200 or by email at info@ahslaw.com.

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<http://www.lawyersandsettlements.com/articles/01117/pr-green-card.html>

Azulay Horn & Seiden, LLC Files Class Action Law Suit against the US Government for Refusing to Accept Green Card Applications
July 11, 2007.

Chicago, IL: In the shadow of the debate about comprehensive immigration reform tens of thousands of skilled employment based immigrants awaiting their opportunity to legally apply for green cards have been unfairly denied the opportunity due to potential deliberate miscommunication - and an attempt to collect higher filing fees - from the U.S. Department of State and the and U.S. Citizenship and Immigration Services (USCIS), the agency that processes visa and citizenship requests.

On June 12, the State Department announced in its monthly Visa Bulletin that beginning July 2 and for at least the entire month of July, all skilled workers seeking employer-sponsored green cards would be eligible to apply. However, on July 2, the State Department announced that they were breaking with 30 years of tradition and issued an update claiming that no

more green cards were available because "the sudden backlog reduction efforts by Citizenship and Immigration Services offices during the past month." USCIS followed and said that as a result they were going to reject the green card applications of anyone who applied relying on the July Bulletin. This meant that the thousands of immigrants who followed the government's instructions and obtained the correct paperwork actually had no chance to receive a green card.

In response, Azulay Horn & Seiden, LLC, the largest immigration law firm based in Chicago and fourth largest in the United States, on Friday July 6, filed a class-action law suit on behalf of its clients and all those like them, against Secretary of State Condoleezza Rice, the Department of State, Secretary of Homeland Security Michael Chertoff, the Department of Homeland Security, and USCIS, and Emilio Gonzalez, and F. Gerard Heinauer of USCIS for announcing that they would refuse to accept the green card applications on behalf of the skilled workers. The suit seeks a ruling that would keep applications filed in accordance with the original July Visa Bulletin from being rejected.

Azulay Horn & Seiden is the first firm to act proactively and file a complaint. "These are legal immigrants who have followed all the rules," explained Ira Azulay, CEO of the firm. "They are productive members of our society and deserve to be treated fairly by our federal government. The State Department and USCIS acted against their own rules and 30 years of historical practice when they updated the Visa Bulletin and reneged on their historical obligations. They need to be held accountable for their actions and do right by these people. Acting any other way sends the horrible message that following the rules is worthless."

The representative plaintiff in the case is Chicagoan Gabriela Ptasinska, a native of Poland who is lawfully present in the United States on a non-immigrant visa, working as a land planner with Manhard Consulting, Ltd. Given the Bulletin, Ptasinska and thousands of legal immigrants across the country worked to obtain the necessary documentation for their chance to receive a green card only to have it snatched away on July.

"I am a law-abiding, hardworking member of American society and have worked relentlessly to lawfully become a permanent resident of America," said Ptasinska. "Now I feel like the rug has been pulled out from under me. I held-up my end of the bargain by doing everything the government told me to do, but USCIS did not keep their word."

Mr. Azulay is available to discuss with the media the class-action suit and the impact of the government's recent actions. A copy of the complaint in the matter of Gabriela Ptasinska, on behalf of herself and all others similarly situated v. U.S. Dept. of State, Condoleezza Rice, U.S. Dept. of

Homeland Security, Michael Chertoff, U.S. Citizenship and Immigration Services, Emilio Gonzalez, and F. Gerard Heinauer, Case No. 07 C 3795, can be downloaded from Azulay, Horn & Seiden's website at www.ahslaw.com. People interested in joining the class can also visit the website to provide their information.

Azulay, Horn & Seiden, LLC (www.ahslaw.com) is Chicago's largest immigration law firm and the fourth largest immigration firm in the country. AHS provides comprehensive US immigration legal services for businesses and individuals (including visa petitions, green card services, consular assistance, naturalization proceedings, immigration representation in all U.S. Courts, and appellate work), immigration consulting to businesses, as well as immigration related legal services (e.g. family law, criminal law). Its main office is located at 205 N. Michigan Ave., 40th Floor, Chicago, IL 60601, with other offices in Florida, Wisconsin, and Manila, Philippines. For more information contact them at 312.832.9200 or by email at info@ahslaw.com.

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AILA Statement on Visa Bulletin Announcement: A Reversal for the Rule of Law

Cite as "AILA InfoNet Doc. No. 07071868 (posted Jul. 18, 2007)"

U.S. Government Reverses Green Card Application Decision

FOR IMMEDIATE RELEASE:

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WASHINGTON, DC - The American Immigration Lawyers Association (AILA) applauds the government for its reversal today of its July 2 refusal to allow thousands of highly skilled workers to make the last filing on the legal path to a green card. AILA also applauds those whose efforts helped to bring this change about.

AILA members and their clients--both employers and employees--objected to the July 2 decision in a manner that was at once emphatic and measured. From the sending of flowers to the Director of U.S. Citizenship and Immigration Services (USCIS), to the phone calls and letters, to the blogs and message boards that lit up with outrage, the affected communities let

their voices be heard. A number of members of the press picked up the story, notwithstanding the complicated legalities, and did a fine job of shining a public light on this matter.

Many members of Congress stepped up to question the actions of the agencies. Foremost among these was Rep. Zoe Lofgren (D-CA), who strongly challenged USCIS to either justify its actions or reverse them. Her sense of outrage matched that of the affected communities, and we all owe a debt of gratitude to Ms. Lofgren.

Last, but far from least, the American Immigration Law Foundation's Legal Action Center prepared, and this week was poised to file, a class action lawsuit that highlighted the illegalities of the government's actions. The work of AILF, as well as other attorneys and their clients around the country, who also stood ready to sue, played a pivotal role in ensuring that USCIS remember the place of the rule of law in government.

"It is reassuring to see that the call to adhere to the rule of law still carries the weight that it must in our nation. I am proud of the actions of AILA, AILF, Rep. Lofgren and many of her colleagues, and of course the thousands affected by the government's lawless actions, for standing up for what is right," said Kathleen Campbell Walker, President of AILA. "The silence of those who recently exhibited such fervor during the immigration reform debate for compliance with the letter of the law was deafening on this issue. Where is their egalitarian stance as to those who follow the rules to the letter while trying to become permanent residents? It's time that all were unified in favor of an orderly and rational immigration system."

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The American Immigration Lawyers Association is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members. For more information call George Tzamaras at 202-216-2410 or Brooke Hewson at 202-216-2435

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http://www.nytimes.com/2007/07/18/washington/18visa.html?_r=1&oref=slogin

July 18, 2007
Skilled Workers Win Reversal of Decision on Green Cards

By JACQUELINE PALANK

WASHINGTON, July 17 -- The immigration agency announced Tuesday that public opinion had caused it to reverse an earlier government decision that prevented thousands of legal immigrants from obtaining work-based permanent visas.

On June 12, the State Department encouraged highly skilled immigrants here on temporary employment visas to apply for permanent employment visas, known as green cards, to become permanent residents. The department said the visas would be available starting July 2. But on that date, the department announced that all available employment-based visas had been distributed for the year.

On Tuesday, however, the immigration agency, Citizenship and Immigration Services, said it would accept applications for these visas if they were filed by Aug. 17.

"The public reaction to the July 2 announcement made it clear that the federal government's management of this process needs further review," Emilio T. Gonzalez, the agency's director, said in a statement. "I am committed to working with Congress and the State Department to implement a more efficient system in line with public expectations."

State Department officials have said the alert in June was meant to speed visa processing, to make sure no visas went unused. Both agencies have tried to reduce green-card application backlogs.

Applicants for these employment visas are required to submit certified documents, among them employer sponsorship forms and federal certification that no American workers are available for their jobs, and must also undergo medical examinations. Many of them have a long work history in the United States.

The American Immigration Law Foundation, a group that advocates for immigrants' legal rights, said in a statement that it had prepared, and had been poised to file, a class-action lawsuit to oppose the government's July 2 decision. Bill Wright, a spokesman for the immigration agency, would not comment on whether the threat of litigation had prompted the agency's reversal.

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<http://www.sun-sentinel.com/news/local/southflorida/sfl-flbgreencard0718nbju118,0,1569785.story>

South Florida Sun-Sentinel.com

Feds reverse green card decision
Legal immigrants will be able to apply for 60,000 visas
By Ruth Morris

South Florida Sun-Sentinel

July 18, 2007

Federal immigration authorities on Tuesday reversed a decision to withdraw 60,000 slots for workers seeking permanent residence in the United States, bowing to public pressure and the threat of a class-action lawsuit.

The announcement came as a pleasant surprise to thousands of legal immigrants, many of them highly skilled workers, affected by the earlier move to rescind the slots. The July 2 decision had effectively blocked a long line of immigrants sponsored by U.S. employers from applying for permanent residency, or green cards.

At the time, the State Department said there would be no further word on availability until October.

Hundreds of workers had sent bouquets to Washington as part of a peaceful protest, while the American Immigration Lawyers Association prepared a federal lawsuit to demand the government stick to its original plan of opening a two-month window to accept the green card applications.

"The public reaction to the July 2 announcement made it clear that the federal government's management of this process needs further review," said Emilio Gonzalez, director of U.S. Citizenship and Immigration Services, in a statement that confirmed the application slots would once again be open. "I am committed to working with Congress and the State Department to implement a more efficient system in line with public expectations."

The immigration agency said it would begin accepting employment-based green card applications immediately from eligible immigrants. This includes technology experts, artists and workers deemed to have "exceptional" skills. Applicants have until Aug. 17 to file their petitions.

Immigrants whose green card applications were suspended said the government's reversal would free them to pursue their goal of becoming permanent residents.

Many are working here on temporary visas that tie them to one job, with the same employer, and do not allow their spouses to work. They have often spent thousands of dollars on fees during the application process, which includes a labor certification to prove they are doing a job that U.S.

workers are not available to do.

"I'm really, really glad. Me and my wife have been legal immigrants of this country for seven years. We were just waiting" said Ravi Guntupalli, a sales engineer from India who lives in Boynton Beach. "Our job description cannot change, so once I have this, I have more opportunities and I can actually look for a promotion within my company."

A congressional cap limits employment-based green cards to 140,000 a year, and the government has assigned visa numbers for 80,000 this fiscal year.

The government decided to close the door on the remaining 60,000 petitions after what experts described as a communication breakdown between the State Department and the Citizenship and Immigration Services over the number of applications ready to be assigned a visa number. The State Department issues visa numbers so that green cards can be regulated, while the immigration agency processes applications.

Tuesday's announcement does not mean the government will go above the cap, only that it will accept the applications it had promised to review.

"They really stepped up here," said Crystal Williams, associate director for programs at the American Immigration Lawyers Association, of the government's decision to reopen the application window. "They saw they'd made a mistake and they fixed the mistake."

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