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Message:

Dear Professor Messelson:

It was a pleasure speaking with you today briefly about the Soviet Scientists Immigration Act of 1992. Enclosed please find a one-page update from Interpreter Releases. I also enclose information about myself and our firm profile.

I just returned from Russia, where I discovered significant interest in this program. I am in the process of trying to line up the required experts who can verify that individual scientists have defense-related expertise in order to qualify in the program.

Thank you for taking a moment to discuss these matters. I will call again after your return on Wednesday, July 21st.

If we can be of assistance to any scientists interested in taking advantage of the program, please let us know.

Very truly yours,

James R. Mayock

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IN THIS ISSUE

1. INS Implements Soviet Scientist Law.....701
2. AAU Holds Computer Position is "Specialty Occupation" for H-1B Purposes.....702
3. ALJ Denies Request for Filing Late Answer, Fines Employer for Alien Hiring...703
4. INS Announces Salvadoran DED Extension ...705
5. INS Implements Court-Ordered Halt to Green Card Replacement Program.....707
6. State Dept. Clarifies Nonimmigrant Intent for H and L Visa Beneficiaries709
7. Agencies Clarify New J-1 Exchange Visitor, F-1 Foreign Student Regulations.....710
8. OSC Outlines What Inquiries Employers May Make About Applicants' Status711
9. More BALCA Blurbs.....712
10. Immigration Briefings: Trainees.....716

1. INS Implements Soviet Scientist Law

The INS has issued an interim rule to implement the Soviet Scientists Immigration Act of 1992, Pub. L. No. 102-509. The rule provides procedures to establish eligibility as immigrants for certain qualifying scientists from the former Soviet Union and Baltic countries.

The interim rule, published in 58 Fed. Reg. 30699-701 (May 27, 1993), is reproduced in Appendix I. The rule adds a new 8 CFR § 204.10.

Congress enacted the Soviet Scientists Immigration Act of 1992 last October to try to prevent former Soviet scientists from using their skills to bolster the weapons programs of unstable or aggressive governments around the world. Congress was concerned that such governments might offer the scientists favorable immigration terms in exchange for

their weapons expertise. The law is thus designed to encourage the scientists to come to the U.S. instead.¹

The new law provides that up to 750 eligible scientists of the independent states of the former Soviet Union and the Baltic countries can immigrate to the U.S. The law expires four years from enactment; therefore, the INS will accept petitions for these scientists only through October 24, 1996.

The interim rule requires neither a job offer nor a labor certification. Scientists applying under the law will file immigrant visa petitions under the employment-based second category as aliens of exceptional ability. To prove they have exceptional ability, the rule requires them to present evidence from either two recognized experts or a U.S. government official that the alien has expertise in or has worked in defense-related sciences or engineering. An eligible scientist does not have to have an advanced degree.

The rule instructs scientists applying from outside the U.S. to file an immigrant visa petition (Form I-140) with the INS Service Center having jurisdiction over the alien's intended U.S. residence. Qualifying scientists in the U.S. who are eligible for adjustment of status can file both an I-140 and an adjustment of status application (I-485) at their local INS office. Spouses and children of qualifying scientists can immigrate under the accompanying or following to join provisions of INA § 203(d).

The interim rule took effect immediately upon publication. Comments are due by June 28, 1993. □

¹ See 69 Interpreter Releases 1234 (Oct. 5, 1992).

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