

Immigration Law Update

Current Developments in Employment-Based Immigration

By Rosner and Associates, L.L.C.

This periodic newsletter features current developments in employment-based immigration. It is designed to inform you of changes in immigration law that may affect your business.

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This is the latest installment in our efforts to keep you apprised of the rapidly changing U.S. immigration environment. Some of the most recent changes could have a serious impact on you or your employees, and we urge you to communicate these changes to interested parties. If you have any questions, please do not hesitate to contact us.



Special Registration Procedures, Continued

As we have mentioned in this newsletter before, INS has begun to implement "Special Registration" procedures for certain nonimmigrants to the United States. To recap, effective September 11, 2002, INS implemented special procedures requiring registration of nonimmigrants seeking to enter the United States who are citizens of Iran, Iraq, Libya, Sudan and Syria. Effective October 1, 2002, INS began "Phase II" of this project, which requires the registration of male nonimmigrants seeking to enter the U.S., aged 16 to 45, who are citizens of Pakistan, Saudi Arabia, and Yemen. (Note that registration is required for dual nationals who are citizens of one of these eight countries.) In addition, INS inspecting officers have discretion to require registration of arriving nonimmigrants who made unexplained trips to Iran, Iraq, Libya, Sudan, Syria, North Korea, Cuba, Saudi Arabia, Afghanistan, Yemen, Egypt, Somalia, Pakistan, Indonesia or Malaysia. Officers also have discretion to require registration of arriving nonimmigrants who have engaged in other travel "not well explained by the alien's job or other legitimate circumstances," have previously overstayed a visa, have "characteristics established by current intelligence updates and advisories," are identified by a law enforcement agency as requiring monitoring, or whose "behavior, demeanor, or answers indicate" that the nonimmigrant should be monitored.

Please note: We have anecdotal evidence that INS has begun to subject citizens of Pakistan to the Special Registration requirement upon entry to the United States at both land borders and U.S. airports. Special Registration upon entry can take several hours to complete, so please advise your employees or others who may be subject to this requirement to plan ahead when traveling.

INS is about to implement the third phase of the Special Registration program, which INS is designating "Special Call-In Registration." Effective November 15, 2002, men aged 16 or over, who lawfully entered the U.S. as nonimmigrants prior to September 10, 2002, who will remain in the U.S. at least until December 16, 2002, and who are citizens or nationals of Iran, Iraq, Libya, Sudan or Syria, must comply with the Call-In Registration requirements ON OR BEFORE December 16, 2002. These individuals must go to a designated INS office, where they will be asked a number of questions, fingerprinted, and photographed. PLEASE NOTE: At the present time, only citizens and nationals of Iran, Iraq, Libya, Sudan and Syria are subject to Call-In Registration. Citizens of other countries ARE NOT REQUIRED to comply with the call-in requirements at this time.

Individuals subject to both Special Registration upon entry and Call-In Registration must register annually (plus or minus ten days of the anniversary of the initial registration). When departing the United States, even for brief trips, registrants must report to INS AND depart through specially designated ports of departure. Additional information concerning Special Registration, including the list of designated ports of departure, may be obtained from the INS website at <http://www.ins.gov/graphics/lawenfor/specialreg/index.htm>. Information on Call-In Registration may be obtained at <http://www.ins.gov/graphics/lawsregs/fr110602.pdf>. Please consult www.ins.gov

for updates to this information.

If you are, or if you know, a nonimmigrant from any of the above-mentioned eight countries, we urge you to carefully review the information on Special Registration and Special Call-In Registration from the INS website. Failure to comply with the Registration requirements can result in very severe penalties, including removal from the United States. If you have any questions regarding these procedures, please do not hesitate to contact us.



Change of Address Forms (Form AR-11)

As you know, INS has begun to enforce the long-existing requirement of aliens to notify the INS of any change of address. Aliens, which include all non-U.S. citizens, are required to notify the INS of a change of address within 10 days of the change. Failure to do so can result in severe penalties. Form AR-11 may be obtained from the INS website at <http://www.ins.gov/graphics/formsfee/forms/ar-11.htm>. Please note that aliens with applications pending at an INS office must also notify that office, either by mail directly to that office, or by phone to the INS National Customer Service Center. Additional information on the address notification requirement may be obtained at <http://www.ins.gov/graphics/howdoi/address.htm>.



Third-Country National Visa Applications Suspended at U.S. Consulate in Ciudad Juarez, Mexico

The U.S. Consulate General in Ciudad Juarez, Mexico, recently announced it will no longer accept visa applications from non-Mexican nationals, except for residents of Mexico with a valid Mexican work permit, and F-1 students who are continuing their studies in the US and who

can demonstrate that their initial F-1 visa was issued in their home country.



Increase in Machine-Readable Visa Fee

The State Department raised its machine-readable visa ("MRV") fee to \$100 effective November 1. The MRV fee is charged to all applicants for a nonimmigrant visa at all U.S. consular posts.



Delays in Obtaining Social Security Numbers

The Social Security Administration has begun verifying immigration status with INS prior to issuance of Social Security Numbers to work-authorized non-immigrants. Because INS has dedicated few resources to the verification process, some nonimmigrants are experiencing delays of as long as 30 to 45 days before they receive a Social Security Number. In order to alleviate some of the problems this delay may cause, your nonimmigrant employees may wish to inquire about obtaining an Individual Taxpayer Identification Number in the interim. Additional information about the ITIN may be obtained from your local office of the Internal Revenue Service, or the IRS website at www.irs.gov.

Rosner and Associates helps corporations to bring foreign nationals to the U.S., and to obtain employment visas for U.S. citizens transferred abroad. We also assist in obtaining permanent residence (green cards), student and exchange visitor visas, naturalization, and in preventing deportation. Please consider us for your immigration law needs.



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