

Immigration Law Update

Current Developments in Employment-Based Immigration

By Rosner & 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.

February 2003

Special Registration ("NSEERS") Procedures, Continued

On January 16, 2003, INS added another list of countries to Call-In Registration, to become effective February 24, 2003. Male nonimmigrants, born on or before February 24, 1987, who are citizens or nationals of Bangladesh, Egypt, Indonesia, Jordan or Kuwait, who lawfully entered the United States as nonimmigrants before October 1, 2002 and who plan to stay in the United States until at least March 28, 2003, must register with their local INS office between February 24, 2003 and March 28, 2003. These individuals must go to a designated INS office, where they will be asked a number of questions, fingerprinted, and photographed.

NOTE: INS is taking the position that the Special Registration requirement applies to individuals who were born in one of the above-mentioned countries, even if an individual is not a citizen of one of the countries. If there is any doubt regarding whether an individual is subject to the registration requirement, he is urged to err on the side of caution and appear for registration.

NOTE also, however, that the INS General Counsel has reportedly indicated that individuals who enter the United States pursuant to advance parole, even if they are nationals of one of the designated countries, are NOT subject to special registration. We still do not have written confirmation of this opinion. If you or one of your employees or colleagues is in this situation, please contact us or other qualified immigration counsel for advice.

Special Registration now applies to male nonimmigrant nationals of Afghanistan, Algeria, Bahrain, Bangladesh, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, North Korea, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the

United Arab Emirates, and Yemen. Additional countries are expected to be added in the coming months.

Individuals subject to the registration requirements must register annually (plus or minus ten days from 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>. 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 countries, we urge you to carefully review the information on NSEERS from the INS website. Failure to comply with the Registration requirements can result in removal (deportation) from the United States. If you have any questions regarding these procedures, please do not hesitate to contact us.



More on Arrests at Registration

In our last update we reported that INS was arresting individuals appearing for special registration if they were out of status or if their underlying nonimmigrant status had expired while an adjustment of status application was pending. INS is continuing to arrest individuals who are out of status. However, they have reportedly reversed the policy to arrest adjustment applicants whose underlying non-immigrant status had expired.



Visas to be Required for All Canadian Landed Immigrants

You may recall that in July we reported that the State Department was planning to

change its regulations at 22 CFR 41.2(b) to require "aliens resident in Canada... having a common nationality with nationals of Canada" to obtain nonimmigrant visas to enter the United States. This proposed change was withdrawn in October. On February 3, 2003, INS and the State Department resurrected the change. Effective March 17, 2003, all landed immigrants in Canada seeking to enter the United States as non-immigrants must possess a valid passport and nonimmigrant visa to enter. Effective immediately, U.S. consular posts in Canada will accept nonimmigrant visa applications by mail from landed immigrants residing in Canada.

Additional information on the policy change, including a list of affected countries and visa application procedures, may be found by consulting the website of the U.S. Embassy in Canada at <http://www.usembassycanada.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.



Rosner and Associates, L.L.C.
The Caxton Building, Suite 601
812 Huron Road
Cleveland, Ohio 44115
216-771-5588
216-771-5894 (Fax)
immigration@rosnerlaw.com