
Immigration Law Update

Current Developments in Employment-Based Immigration

By Rosner and Associates, L.L.C.

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



H-1B NEWS

As you are probably aware, the Immigration & Nationality Act limits to 65,000 the number of new H-1B (professional specialty worker) visas that may be issued in a given fiscal year. That limit was reached in mid-May 1998. As a result, new H-1B visas are unavailable until the start of the 1999 fiscal year, which will begin on October 1, 1998.

Since May, the United States Congress has been debating several bills which would raise the cap and make changes to the H-1B program. Despite rumors that the cap had in fact been raised, Congress has not yet passed any legislation on this issue, nor are they expected to do so until at least mid-September.

At this time, the House and Senate have tentatively agreed on a compromise bill, H.R. 3736, which would raise the cap, include recruitment attestations for "H-1B dependent" employers, and provide new funding for college scholarships and training for American workers. Votes on the bill are to be held in early-September, although some members of Congress are working to kill the bill.

INS advises that there are 16,000 - 17,000 H-1B petitions currently pending in its four Regional Service Centers. If the cap is not raised, we can expect that it will be reached several months earlier than in this year, and perhaps as early as January 1999.

If you are interested in learning more about the H-1B bill or are willing to write letters in support of the bill, please contact Rosner & Associates for additional information. We will keep you informed about changes to the H-1B program.



INS Raises Processing Fees

On August 14, 1998, the INS finalized changes in its processing fees which had been proposed in January. The new fees will go into effect for all applications filed on or after October 13, 1998. Some of the most commonly used forms and the revised fees are listed below.

- I-129. Petition for Nonimmigrant Worker. \$110 base fee.
- I-129F. Petition for Alien Fiancé(e). \$95.
- I-130. Petition for Alien Relative. \$110.
- I-131. Application for Travel Document. \$95.
- I-140. Petition for Alien Worker. \$115.
- I-485. Application to Adjust Status. \$220 (\$160 for applicants under age 14).
- I-539. Application to Extend/Change Nonimmigrant Status. \$120.
- I-751. Petition to Remove Conditions on Residence. \$125.
- I-765. Application for Employment Authorization. \$100.
- N-400. Application for Naturalization. \$225. (Fee effective Jan. 15, 1999.)



Visa Lottery to be Held Oct. 1 - Oct. 31, 1998

The U.S. Department of State has announced the annual visa lottery will be held from October 1 to October 31, 1998. The visa lottery will make available 50,000 immigrant visas ("green cards") to randomly selected applicants from eligible countries. Rosner and Associates is sending out separate information on the lottery; information can also be obtained from the State Department's web site at travel.state.gov/index.html.



Effects of Terrorist Bombings on U.S. Immigration

As you know, the U.S. Embassies in Kenya and Tanzania were bombed by terrorists in early August, and the U.S. retaliated with air strikes in Sudan and Afghanistan two weeks later. As a result, consular services in some countries have been halted or drastically reduced, and in many countries, security around U.S. Embassies and Consulates has been increased.

These actions mean that applicants for both immigrant and nonimmigrant visas may face delays and additional questioning from U.S. Consular and immigration officers. This is particularly likely in the cases of visa applicants from Middle Eastern or African countries. In addition, obtaining nonimmigrant visas in some countries, including Kenya, Tanzania, Yemen, and Pakistan, may now be impossible. In addition, the current situation may make it difficult for citizens of the U.S. to obtain visas to travel to certain countries.

Please be mindful of these issues in making plans to bring employees or colleagues to the U.S. from overseas, or to send your

U.S. employees abroad. In some cases, travel to a third country may be required to obtain a nonimmigrant visa. In addition, supplemental information may be required to overcome a consular officer's reluctance to issue visas to natives of certain regions.

Finally, the U.S. bombings of Sudan and Afghanistan have resulted in increased anti-American sentiment and threats to U.S. citizens abroad. We urge you to use caution and to consult the State Department's web site at travel.state.gov for travel advisories if you plan travel to Africa or the Middle East.

Please contact Rosner & Associates for additional information.



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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