

IMMIGRATION NEWS

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GREEN CARDS

ADJUSTMENT

ALL NUMBERS ARE CURRENT. If you are preparing to file or have already filed your Adjustment, be prepared to wait a long time for your final green card stamp in your visa and even longer for the actual card to arrive. Processing time for the Vermont Service Center is about one year, Nebraska Service Center is two years, California Service Center is one and a half years, and the Texas Service Center is two years.

No, it's not wise to resign from the employer who sponsored you because if you have an Interview, one of the questions is whether you are currently working for, or plan to work for the employer who sponsored you, and a current job offer letter is often required.

TRAVEL

Traveling on your current unexpired H visa is allowed even if you have filed your Adjustment Petitions. No questions are routinely asked at the Border and legally, it is allowed.

NOTE: US Consulates in India and Pakistan have computerized lists of graduates from universities in India and Pakistan. When an individual goes to the American Consulate to pick up his H-1B visa, his name will be placed into the computer to be sure that he is a graduate of the university stated in his H-1B application.

H-1B UPDATE

How it affects you

New H-1Bs and extensions are being processed quickly. Still, it is wise to file your extension at least 60 days before your H expires so that you may continue your employment without interruption.

LABOR CERTIFICATION PROCESSING TIMES

REGION 1 BOSTON	12-18 months
RIR	5-6 months
REGION 2 NEW YORK	36-48 months
RIR	8-12 months
REGION 3 PHILADELPHIA	15-24 months
RIR	3-4 months
REGION 4 ATLANTA	15-27 months
REGION 5 CHICAGO	22-30 months
REGION 6 DALLAS	14-28 months
REGION 7 KANSAS CITY	12-20 months
REGION 8 DENVER	33-36 months
REGION 9 SAN FRANCISCO	40-50 months
REGION 10 SEATTLE	not available

NOTE: This newsletter is meant for your information. The contents may not be used as legal advice or relied upon as legal advice. The INS and DOL have complex and confusing rules. It is advisable to consult with an Immigration specialist to determine how the rules apply to your particular case.

MARRIAGE

If you are planning on getting married to another foreign national and you are in the process of applying for a Green Card, it is recommended that you get married before you begin the Adjustment phase of your green card. If you marry before the Adjustment is approved your spouse may be added to the Adjustment petition and will qualify for a Green Card.

VISA STAMP PROCEDURE FOR H-1B EXTENSIONS

- 1) send your original I-797 H-1B Approval Notice;
- 2) send your passport;
- 3) complete and send an I-156 Visa Application;
- 4) send a Letter from your Employer stating your job, and salary for the duration of the H visa.

Send to: Department of State Visa Office, 2401 E Street NW, Washington, DC 20522-0106
(202)663-1225. It takes about six (6) weeks to receive your stamped passport.

QUICK PASS ENTRY AT AIRPORTS

Business travelers who wish to avoid the long immigration lines at the airport may apply for INSPASS by completing an enrollment form and get electronically profiled at INSPASS offices at participating airports. Once enrolled, passengers receive an identification card that allow them to zip around the immigration lines by scanning their card and passing their hands through automatic readers that validate identity. INSPASS kiosks are available at the following airports: New York Kennedy Airport, Los Angeles, Newark, Miami, San Francisco, Dulles and at Pearson in Toronto and Vancouver International Airport.

EMPLOYER'S CORNER

I-9 AUDITS

Human Resource directors and business owners are required to verify that every person they hire is either a US citizen, permanent resident, or a foreign national with work authorization to work in the USA. The I-9 must be carefully completed with copies of the work permit attached within 3 business days of beginning the job. The I-9 must be kept on file and available for INS inspection. A re-verification of the work permit must be in the file prior to expiration of the employment authorization. For terminated employees, the file must be available for the longer of: 3 years or one year after employment is terminated. INS has levied large fines against employers during their I-9 random audits conducted each year. Fines range from \$250 to \$10,000 per violation and up to six months imprisonment for knowingly hiring or employing aliens lacking work authorization. Each mistake on an I-9 counts as a separate violation. Disneyland theme park paid a \$260,000 fine for I-9 violations in 1994. The best way for an employer to avoid I-9 problems is to establish an I-9 audit system with the following elements:

- 1) education of all personnel officials on the purpose of I-9s and how to comply;
- 2) establish a scheduling system to automatically remind an employer when re-verification of employment authorization is necessary;
- 3) conduct a thorough, periodic review of all I-9s.

NURSES & PHYSICAL THERAPISTS

INS has released regulations for nurses and physical therapists to enable them to obtain green cards. Nurses must pass the foreign nurse exam given by the Committee on Graduates of Foreign Nursing Schools before they may file their petition.

Physical Therapists must pass the Foreign Credentialing Commission on Physical Therapy exam. When they have their certificate and pass an English test, then they may file a petition for permanent residence.