

# IMMIGRATION UPDATES

December 2007

## **Visa Bulletin for December 2007**

The Department of State has released the Visa Bulletin for November 2007. You can find the Visa Bulletin at: [http://travel.state.gov/visa/frvi/bulletin/bulletin\\_3841.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_3841.html)

## **Diversity Lottery Program**

The Department of State's DV-2009 entry registration period which was October 3 through December 2, 2007 is over. Online entries cannot be accepted now.

For additional information concerning the Diversity Visa Lottery Program please click the link: [http://travel.state.gov/visa/immigrants/types/types\\_1322.html](http://travel.state.gov/visa/immigrants/types/types_1322.html)

## **USCIS Revised Filing Instructions for I-130**

Effective December 3, 2007, all applicants filing stand-alone Form I-130s, Petition for Alien Relative are encouraged to file their petitions with the Chicago Lockbox instead of a USCIS Service Center. While the changes are effective December 3, any form I-130 filed with Service Center will not be rejected; it will be forwarded to the designated Chicago Lockbox.

Petitioners who reside in AK, AZ, CA, CO, Guam, HI, ID, IL, IN, IA, KS, MI, MN, MS, MT, Nebraska, NV, ND, OH, OR, SD, UT, WA, WI, or WY can use the following address:

USCIS  
P.O. Box 804625  
Chicago, IL 60680-1029

Petitioners who reside in AL, AR, CT, DL, FL, GA, KY, LA, ME, MD, MA, MI, NH, NJ, NM, NY, NC, OK, PA, Puerto Rico, RI, SC, TN, TX, VT, VA, U.S. Virgin Islands, WV, or District of Columbia can use the following address:

USCIS  
P.O. Box 804616  
Chicago, IL 60680-1029

## **New USCIS fees**

The new fee schedule became effective July 31, 2007. This fee schedule applies if you file on or after that date. The fees include both the filing fee and any required biometric fees.

<http://www.uscis.gov/files/nativedocuments/FinalUSCISFeeSchedule052907.pdf>

### **Note: Adjustment applications**

The new application fee for an I-485 is a package fee that includes EAD and advance parole applications. Thus, if you file an I-485 with the fee listed in the link above, while you still need to submit applications for an EAD and/or advance parole, you will not need to pay a separate fee so long as your adjustment application is pending. If you filed your I-485 before this fee change, to apply for EAD or advance parole, you must file a new application with the new fee for those applications.

### **Revised Form I-9**

On November 7, 2007, USCIS announced that a revised Employment Eligibility Verification Form (I-9) is available for use as well as the M-274, Handbook for Employers, Instructions for Completing the Form I-9. Key to the revision is the removal of five documents for proof of both identity and employment eligibility. They include: Certificate of U.S. Citizenship (Form N-560 or N-570); Certificate of Naturalization (Form N-550 or N-570); the old Alien Registration Receipt Card (Form I-151); the Reentry Permit (Form I-327); and the Refugee Travel Document (Form I-571). USCIS "encourages" use of the new form immediately, but indicates that it will not be required until notice is published in the Federal Register.

Go to: <http://www.uscis.gov/files/form/I-9.pdf> to view the new Form I-9. The new M-274 Handbook for employers is available at: <http://www.uscis.gov/files/nativedocuments/m-274.pdf>.

### **USCIS Application and Receipting**

As of November 23, 2007, USCIS has completed initial data entry and issued receipt notices for applications and petitions received on or before the dates indicated:

#### **California Service Center**

<u>Form Number</u>	<u>Date Received</u>
I-130	August 30, 2007
N-400	October 15, 2007
All other forms	November 8, 2007

#### **Texas Service Center**

<u>Form Number</u>	<u>Date Received</u>
N-400	July 29, 2007
All other forms	Current

#### **Nebraska Service Center**

<u>Form Number</u>	<u>Date Received</u>
N-400	November 7, 2007
All other forms	Current

#### **Vermont Service Center**

<u>Form Number</u>	<u>Date Received</u>
I-130	July 29, 2007
N-400	July 31, 2007
All other forms	November 15, 2007

#### **USCIS Lockbox**

<u>Form Number</u>	<u>Date Received</u>
TPS	Current

## **H-1B Cap Reached for Fiscal Year 2008**

In April 2007, the U.S. Citizenship and Immigration Services (USCIS) received the congressionally mandated H-1B cap for fiscal year 2008, which begins October 1, 2007.

H-1B's can still be filed for the following:

- Amended petitions to change a current H1-B worker's terms of employment
- Extension petitions to lengthen the amount of time a current H-1B worker may remain in the U.S.
- Petitions to allow current H1-B workers to work simultaneously in a second H1-B position
- Petitions to allow a current H1-B worker change employers (with the exception of workers changing from a cap-exempt employer to a cap-subject employer)
- Petitions for new H-1B employment where the foreign worker will be employed by a higher education institution or related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization

Petitioners may re-submit petitions on April 1, 2008 when H-1B visas become available for FY 2009. This is the earliest date for which an employer may file a petition requesting FY 2009. H-1B employment with a start date of October 1, 2008.

## **Redesigned Naturalization Test**

USCIS recently completed a redesign of the naturalization test. The resulting redesigned test was publicly introduced on September 27, 2007. Naturalization applicants will begin taking the revised test on **October 1, 2008**.

### **Which Test Do I Take?**

Following the public introduction of the redesigned naturalization test on September 27, 2007, there will be one full year before naturalization applicants begin taking the revised test. This period will allow adult educators and immigrants working toward citizenship sufficient time to prepare for the redesigned test. The following guidelines will determine whether naturalization applicants will take the current test or the redesigned version:

If an applicant:

- Applied **BEFORE** October 1, 2008 and is scheduled for his or her naturalization interview **BEFORE** October 1, 2008, he or she will take the current test.
- Applied **BEFORE** October 1, 2008 and is scheduled for his or her naturalization interview **AFTER** October 1, 2008, he or she can choose to take the current test or the redesigned version.
- Applies **AFTER** October 1, 2008, he or she will take the redesigned version.
- Is scheduled for his or her naturalization interview **AFTER** October 1, 2009, regardless of when he or she applied, he or she will take the redesigned version.

## **Premium Processing**

Premium Processing Service provides faster processing of certain employment-based petitions and applications. USCIS provides 15 calendar day processing in which time USCIS will issue an approval notice, or where appropriate, a notice of intent to deny or a request for evidence. Currently, Premium Processing is only available for I-129 petitions and the fee is \$1,000 and it must be submitted in a separate check or money order.

Additional information about premium processing can be found on USCIS's website: [www.uscis.gov](http://www.uscis.gov)

## **Biometric Process for Conditional Permanent Residents (Form I-751)**

Conditional Permanent Residents who file Form I-751, Petition to Remove Conditions on Residency, are required to appear at a USCIS Application Support Center after filing Form I-751 in order to have their biometrics electronically captured. An appointment notice will be mailed to the applicant with the specific date, time and location for processing. Biometric processing includes the electronic capture of an applicant's photograph, signature, and index fingerprint. Applicants will no longer be required to submit passport style photos, since photographs will be captured during the appointment. Once the biometric appointment has been completed and the I-751 has been approved, the applicant will be issued a permanent resident card by mail.

Note: New fee for I-751 is \$545.

## **Passports for US Citizens**

As of **January 1, 2008**, ALL persons, including U.S. citizens, traveling between the U.S. and Canada, Mexico, Central and South America, the Caribbean, and Bermuda by **land** or **sea** (including ferries), may be required to present a valid passport or other documents as determined by the Department of Homeland Security. While recent legislative changes permit a later deadline, the Departments of State and Homeland Security are working to meet all requirements as soon as possible. Ample advance notice will be provided to enable the public to obtain passports or passport cards for land/sea entries.

The passport requirement does NOT apply to U.S. citizens traveling to or returning directly from a U.S. territory. U.S. citizens returning directly from a U.S. territory are not considered to have left the United States and do not need to present a passport. U.S. territories include the following: Guam, Puerto Rico, the U.S. Virgin Islands, American Samoa, Swains Island, and the Commonwealth of the Northern Mariana Islands.

## **Change of Address**

January 2007 - Be aware that all foreign nationals must report any change of address to the USCIS within 10 days of the move on Form AR-11. You may print the AR-11 Form on the USCIS web site at [www.uscis.gov](http://www.uscis.gov) or you can complete and file the AR-11 electronically at: <https://egov.immigration.gov/crisgwi/go?action=coa>.

Individuals with a pending immigration case should also notify USCIS by phone at the National Customer Service Center (NCSC) (800) 375-5283 to report a change of address to ensure that they receive notices or decisions related to their case in a timely manner. Those individuals with pending Naturalization applications should also continue to contact USCIS by telephone to report their change of address.

The willful failure to comply with this requirement can result in criminal misdemeanor charges and/or possible deportation. For those individuals who are under Special Registration, use AR-11SR also available at the USCIS web site.

## WEBSITE RESOURCES

Immigration Forms

<http://www.uscis.gov> Click on Immigration Forms

Immigration Processing Dates

<https://egov.immigration.gov/cris/jsps/ptimes.jsp>

Immigration Case Status

[https://egov.immigration.gov/cris/jsps/caseStat.jsp;jsessionid=doxaOnw\\_211](https://egov.immigration.gov/cris/jsps/caseStat.jsp;jsessionid=doxaOnw_211)

U.S. Dept. of State – Bureau of Consular Affairs

<http://travel.state.gov/>

U.S. Dept. of State – Diversity Lottery

[www.dvlottery.state.gov](http://www.dvlottery.state.gov)

U.S. Dept. of State – How to Apply for a Visa at a Border Post

[http://travel.state.gov/visa/temp/without/without\\_1260.html#TCN](http://travel.state.gov/visa/temp/without/without_1260.html#TCN)

U.S. Embassies/Consulates

<http://usembassy.state.gov/>

Visa Bulletin

[http://travel.state.gov/visa/frvi/bulletin/bulletin\\_1360.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html)

This update is for informational purposes only and is not intended as basis for decisions in specific situations. This information is not intended to create, and receipt of it does not constitute, a lawyer-client relationship.

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