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LL.M. Law Group  
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### **Application Fees for Non Immigrant Visas to Increase on January 1, 2008**

Following the last week's announcement that the Department of State (DOS) will publish fee increases for nonimmigrant and immigrant visas, the U.S. consulates are advising that as of Jan. 1, 2008, the application fee for a non-immigrant visa will increase from \$100 to \$131. This increase, which will be implemented worldwide, is the first since October 2002.

According to the DOS, this increase allows them to recover the costs of security and other enhancements to the non-immigrant visa application process. The DOS must periodically adjust fees, whether for visas or other services provided, to comply with the U.S. federal legislation requiring it to recuperate the costs of services through fees charged directly to the users of those services. Advances in security, information processing systems and inflation have increased processing costs for both immigrant and non-immigrant visas, as well as for certain services provided to U.S. citizens. Due to new security-related costs, new information technology systems and inflation, the DOS states the \$100 visa fee is lower than the actual cost of processing non-immigrant visas. In fact, the \$100 fee was already lower than the cost when the fee was reviewed as a part of the cost of service study in 2004. The DOS has been absorbing the additional cost.

Applicants who paid the prior \$100 application fee before Jan. 1 will be processed only if they are scheduled and appear for a visa interview before Jan. 31. Applicants who paid the prior \$100 application fee and appear for visa interviews after January 31, 2008 must pay the \$31 difference before they will be interviewed. Please check with the U.S. consulate you intend to use for your visa interview to find which fee will apply.

### **USCIS Application and Receipting Update**

U.S. Citizenship and Immigration Services (USCIS) advises customers that processing of fee payments and entry of cases into our tracking system remains behind schedule due to the tremendous increase in the number of applications filed. As a result, applicants are experiencing delays in receiving notices of receipt.

As of **December 14, 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**

<b>Form Number</b>	<b>Date Received</b>
I-130 *	8/30/2007
I-175	11/27/2007
All Other Forms	Current

\*All I-130s received after the indicated date have been forwarded to USCIS Chicago Lockbox for data entry.

## **Nebraska Service Center**

<b>Form Number</b>	<b>Date Received</b>
All Forms	Current

## **Texas Service Center**

<b>Form Number</b>	<b>Date Received</b>
N-400	7/31/2007
All Other Forms	Current

## **Vermont Service Center**

<b>Form Number</b>	<b>Date Received</b>
I-130 *	7/29/2007
N-400	10/21/2007
All Other Forms	11/22/2007

\*All I-130s received after the indicated date have been forwarded to USCIS Chicago Lockbox for data entry.

## **USCIS Lockbox**

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

## **USCIS comments on Green Cards**

According to Christopher Bentley, Press Secretary for the U.S. Citizenship and Immigration Services, DHS, "Despite rumors to the contrary, 'green cards' (I-551) with no expiration dates are still valid, and lawful permanent residents carrying those cards will continue to receive all appropriate benefits. These cards will remain valid until the implementation of the final rule addressing this issue."

## **USCIS publishes Guide for New Immigrants**

USCIS today released an updated version of *Welcome to the United States: A Guide for New Immigrants*. The Guide provides a summary of essential information for new immigrants. The goal is to reach as many immigrants as possible. All translations of the Guide are available to download for free from the USCIS website. The English version of the Guide may be downloaded [here](#).

## **Current Cap Count for Non-Immigrant Worker Visas for Fiscal Year 2008**

### **What is a “Cap”?**

The word “Cap” refers to annual numerical limitations set by Congress on the numbers of workers authorized to be admitted on different types of visas or authorized to change status if already in the United States.

### **H-1B**

Established by the Immigration Act of 1990 (IMMACT 90), the H-1B nonimmigrant visa category allows U.S. employers to augment the existing labor force with highly skilled temporary workers. H-1B workers are admitted to the United States for an initial period of three years, which may be extended for an additional three years and, in some cases, beyond, if an a/s application is pending.

An H-1B nonimmigrant (with the exception of certain fashion models) must have a bachelor’s degree or higher (or equivalent) in the specific specialty. The H-1B visa program is used by some U.S. employers to employ foreign workers in specialty occupations that require theoretical or technical expertise in a specialized field and a bachelor’s degree or its equivalent. Typical H-1B occupations include architects, engineers, computer programmers, accountants, doctors and college professors. The H-1B visa program also includes certain fashion models of distinguished merit and ability and up to 100 persons who will performing services of an exceptional nature in connection with Department of Defense (DOD) research and development projects or coproduction projects. The current annual cap on the H-1B category is 65,000. Not all H-1B nonimmigrants are subject to this annual cap.

### **H-1B Employer Exemptions**

H-1B nonimmigrants who are employed, or who have received an offer of employment, by institutions of higher education or a related or affiliated nonprofit entity, as well as those employed, or who will be employed, by a nonprofit research organization or a governmental research organization are exempt from the cap.

## H-1B Advanced Degree Exemption

The H-1B Visa Reform Act of 2004, which took effect on May 5, 2005, changed the H-1B filing procedures for FY 2005 and for future fiscal years. The H-1B Visa Reform Act of 2004 also makes available 20,000 new H-1B visas for foreign workers with a Master's or higher level degree from a U.S. academic institution. Such persons are statutorily exempted from the annual cap.

	Cap	Beneficiaries Approved	Beneficiaries Pending Petitions Received	Beneficiaries Pending Petitions yet to be Received	Total	Date of Last Count
H-1B (FY 08)	58,200 <sup>1</sup>	-----	-----	-----	Cap Reached	4/2/2007
H-1B Advanced Degree Exemption (FY 08)	20,000	-----	-----	-----	Cap Reached	4/30/2007

<sup>1</sup> 6,800 visas are set aside during the fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.-Chile and U.S.-Singapore Free Trade Agreements. Unused numbers in this pool can be made available for H-1B use with start dates beginning on October 1, 2007, the start of FY 2008. USCIS has added 5,800, the projected number of unused H-1B1 Chile/Singapore visas to the FY 2008 H-1B cap.

## H-1B1

An H-1B1 is a national of Chile or Singapore coming to the United States to work temporarily in a specialty occupation. The law defines an H-1B1 specialty occupation as a position that requires theoretical and practical application of a body of specialized knowledge. The beneficiary must have a bachelor's degree or higher (or equivalent) in the specific specialty. The combined statutory limit is 6,800 per year. 1,400 visas are set aside annually for nationals of Chile, and 5,400 for nationals of Singapore.

## H-2B

The H-2B visa category allows U.S. employers in industries with peak load, seasonal or intermittent needs to augment their existing labor force with temporary workers. The H-2B visa category also allows U.S. employers to augment their existing labor force when necessary due to a one-time occurrence which necessitates a temporary increase in workers. Typically, H-2B workers fill labor needs in occupational areas such as construction, health care, landscaping, lumber, manufacturing, food service/processing, and resort/hospitality services.

The Save Our Small and Seasonal Businesses Act of 2005 (SOS Act) divided the annual numerical limitations of 66,000 into two halves. USCIS regulations allow for filings 6

months in advance. However, H-2B petitioners first must obtain a temporary labor certification from the Department of Labor (DOL). DOL regulations stipulate that the application for temporary labor certification may not be filed more than 120 days in advance of the need for the employee to ensure the accuracy of the labor market test. Thus, USCIS normally begins receiving H-2B petitions with employment start dates in October in June or July.

**What is the H-2B numerical limit set by Congress?**

The H-2B numerical limit set by Congress per fiscal year is 66,000. USCIS notes that, as of October 1, 2007, Congress has not amended the "returning worker" provisions of the Save Our Small and Seasonal Businesses Act of 2005 (SOS Act) to cover FY 2008. Until October 1, 2007, if a petition was approved only for the purpose of extending an alien's stay in H-2B status, or only for change or addition of employers or a change in the terms of employment, the worker was not counted against the numerical limit at that time. By contrast, an alien who changes nonimmigrant status to H-2B was generally counted against the annual H-2B cap.

**Why does USCIS authorize more H-2B workers than the statutory limit?**

USCIS adjudicates H-2B petitions based on the facts presented by the petitioner in the petition. If the alien beneficiaries of the H-2B petition are abroad, USCIS then sends the approved petitions to the Department of State (DOS) for consular processing. Employers, however, may decide after submitting an H-2B petition that the aliens on whose behalf it petitioned are no longer needed. In such cases, DOS will not issue the aliens an H-2B visa. In other instances, some aliens never appear at the consular post for their H-2B visa interview following petition approval. DOS may also deny some H-2B visa applications even though USCIS has approved petitions for these workers. Similarly, DHS Customs and Border Protection (CBP) may determine at a port-of-entry that the beneficiary of an approved H-2B petition is inadmissible and refuse to admit the alien to this country.

Because of such "drop outs," the number of potential H-2B workers authorized to work by USCIS will exceed the actual number of visas issued based on petition approvals -- the basis of the statutory limit.

	Cap	Beneficiaries Approved	Beneficiaries Pending	Beneficiaries Target <sup>1</sup>	Total	Date of Last Count
H-2B 1st Half	33,000	-----	-----	-----	Cap Reached	9/27/2007
H-2B 2nd Half	33,000 <sup>2</sup>	2,729	4,435	To be determined	7,164	12/4/2007
H-2B Annual (FY 08)	66,000 <sup>3</sup>	-----	-----	-----	-----	-----

<sup>1</sup> Refers to the estimated numbers of beneficiary applications needed to reach a cap, with an allowance for withdrawals, denials and revocations.

<sup>2</sup> A shortfall in the 1st half would be made up in the 2nd half.

<sup>3</sup> Visas issued plus beneficiaries changing status already in the United States.

### **H-3**

The H-3 nonimmigrant visa category is for aliens who are coming temporarily to the U.S. to receive training (other than graduate medical education or training). The training may be provided by a business entity, academic, or vocational institute. The H-3 nonimmigrant visa category also includes aliens who are coming temporarily to the U.S. to participate in a special education training program for children with physical, mental, or emotional disabilities. There is a limit of 50 visas per fiscal year allocated to H-3 aliens participating in special education training programs. As of November 29, 2007, one of these H-3 visas had been approved with a start date in FY 2007.

### **Task Force on New Americans**

Since June 2006, the Task Force on New Americans has been working to develop inter-agency initiatives to help immigrants settle in their new country and maximize the use of federal resources in promoting integration. By providing technical resources to communities and organizations, encouraging volunteerism, developing effective training methods, and conducting targeted research efforts, the Task Force seeks to encourage successful immigrant integration in a comprehensive manner. The following are current and planned Task Force initiatives:

#### **Improve Access to Information and Resources for New Immigrants**

With the launch of [WelcometoUSA.gov](http://WelcometoUSA.gov), the federal government presents newcomers with basic information, through a comprehensive web portal, on settling in the United States and other essential information to fully embrace the common core of American civic culture. In addition to settlement information, [WelcometoUSA.gov](http://WelcometoUSA.gov) contains links to help new immigrants find an English class and ways to get involved in their community through volunteering.

Before arriving in the country, all successful immigrant visa recipients now receive a brochure from the Department of State providing instructions, in their native language, to call the USCIS forms line (1-800-870-3676) to request a hard copy—in English, Spanish, or Chinese—of the comprehensive publication for newcomers, *Welcome to the United States: A Guide for New Immigrants*, at no charge.

#### **Encourage Volunteerism Among U.S. Citizens and New Immigrants**

A major Task Force initiative, entitled the *New Americans Project*, seeks to encourage volunteerism among both U.S. citizens and new immigrants. The Task Force will

accomplish this through, among other projects, a zip code based search engine listing volunteer opportunities to work with immigrants and a series of outreach events to promote volunteerism. In addition, the *New Americans Project* aims to provide opportunities for immigrants themselves to integrate into their communities by volunteering. The Task Force will be working closely with USA Freedom Corps on the *New Americans Project*.

### **Provide Training and Technical Resources to Organizations that Serve Immigrants**

The Task Force will provide public libraries, adult educators, and volunteers with training and resources to assist them in establishing programs to help immigrants settle in and learn about the United States.

Public libraries in the United States have a long history of helping immigrants integrate into their communities and better understand life in their new country. With more and more immigrants settling outside of traditional immigrant gateways, it is important that all public libraries are equipped with resources to assist immigrants. In response, the Task Force will be distributing the *Civics and Citizenship Toolkit*, which contains educational materials to help immigrants learn about the United States. Interested public libraries may register to receive a free copy of the *Civics and Citizenship Toolkit* at [www.citizenshiptoolkit.gov](http://www.citizenshiptoolkit.gov). The Government Printing Office (GPO) will also distribute the *Toolkit* to the nearly 1,300 members of the Federal Depository Library Program (FDLP). Beginning in January 2008, registration will be expanded to include all established immigrant-serving organizations.

*U.S. Civics and Citizenship Online: Resource Center for Instructors* is a web-based tool hosted by USCIS offering teachers and volunteers a single source to locate resources to incorporate civics into English as a Second Language (ESL) instruction and prepare adult students for naturalization. The website includes links to curricula, lesson plans, teacher assessments, and other instructional material.

In October 2007, USCIS introduced a web-based electronic training module for volunteers and adult educators that includes courses and materials in the following three content areas: the naturalization process, U.S. government, and civics education. To complement the civic education online training module, USCIS will convene eight regional training conferences to help refine skills and prepare adult civics and citizenship instructors and volunteers for teaching American history, civics, and the naturalization process to immigrant students. The first training conference was held October 26, 2007 in Miami, FL.

Lastly, a “How To” manual for organizations interested in establishing ESL and citizenship classes will help prepare places of worship, community-based organizations, and other immigrant-serving organizations with the resources they need to build a successful program.

## **Gather Input on Successful Integration Practices**

In February 2007, the Task Force began holding a series of roundtable discussions across the United States to learn more about successful immigrant integration practices. These roundtables will gather input from immigrant-serving organizations, businesses, state and local governments, academia, community and faith-based organizations, adult educators, public libraries, foundations, and traditional civic organizations. The Task Force will present its findings and recommendations in a formal report to the President.

## **Task Force Membership**

The Task Force consists of twelve cabinet-level departments and a technical working committee of eight federal agencies. They include: Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of the Treasury, Corporation for National and Community Service, Federal Trade Commission, General Services Administration, Government Printing Office, Institute of Museum and Library Services, National Endowment for the Arts, National Endowment for the Humanities, and the Small Business Administration.

## **U.S. Visit Fact Sheet**

### US-VISIT: AN OVERVIEW

The US-VISIT program was established in March 2003 as one of the initial programs within the U.S. Department of Homeland Security (DHS). US-VISIT was established in order to accurately record the entry and exit of travelers to the United States by collecting biographic and biometric information—digital fingerprints and photographs.

Today, US-VISIT is advancing the security of the United States and worldwide travel through information sharing and biometric solutions for identity management. As a part of DHS's National Protection and Programs Directorate, US-VISIT's services help decision makers across federal, state and local government agencies identify, mitigate and eliminate security risks. The following are some of the program's services and their benefits.

### US-VISIT: BENEFITS FOR INTERNATIONAL TRAVELERS

The U.S. government utilizes US-VISIT's biometric services to facilitate legitimate travel, protect travelers against identity theft, prevent fraudulent document use and keep our visitors and citizens safe from harm. Through the collection, storage and analysis of biometric information, US-VISIT enables immigration officials to establish, then verify a person's identity with each encounter within the immigration and border management system.

US-VISIT's innovative biometrics-based services enable the U.S. government to:

- Enhance the security of our citizens and visitors
- Facilitate legitimate travel and trade
- Ensure the integrity of our immigration system
- Protect the privacy of our visitors

A traveler may first encounter US-VISIT's biometric services when applying for a visa, as a part of the Department of State's (DOS) BioVisa program. Through the BioVisa program, consular officers collect biometric and biographic data, establishing an applicant's identity and checking their data against watch lists. With this information, the officer determines whether or not the person is eligible for a visa.

Most international visitors, including those who go through the BioVisa program, experience biometric screening when they arrive at a U.S. port of entry. U.S. Customs and Border Protection (CBP) officers use US-VISIT's biometric services to quickly and accurately verify whether the person applying for entry is the same person to whom the visa was issued. For those travelers who do not require a visa, a port of entry is the first opportunity to establish a traveler's identity through US-VISIT services.

US-VISIT monitors and records the status of people who apply for immigration benefits in the United States, such as adjustments to lawful permanent resident status, extensions of stay or changes from one nonimmigrant visa category to another. U.S. Citizenship and Immigration Services (CIS) uses US-VISIT services for travelers, determining their eligibility for requested immigration benefits.

In collaboration with the travel industry, U.S. air carriers and other DHS components, US-VISIT is working to incorporate biometric exit procedures for international travelers into the existing airport or seaport experience. DHS continues to work with industry, local communities and other interested parties to develop the best solution to meet the multiple challenges of the land border environment.

#### US-VISIT: BENEFITS FOR IMMIGRATION BEYOND OUR PORTS OF ENTRY

US-VISIT biometric identity management services directly benefit the U.S. government's ability to enforce immigration laws by matching entry and exit data to identify visa overstays, supporting mobile biometric collection capabilities and providing information about criminals and immigration violators.

#### U.S. Immigration and Customs Enforcement: Identifying Visa Overstays

Prior to the implementation of US-VISIT, international travelers who overstayed their authorized period of admission were only identified as a consequence of some other encounter with law enforcement, such as worksite enforcement operations, an unrelated arrest on criminal charges, or a national security-related action.

US-VISIT matches the entry and exit records of people to identify those who may have overstayed the terms of their admission and provides this information to U.S. Immigration and Customs Enforcement (ICE). This enhanced information-sharing

process provides an increased capability to identify and apprehend overstays—a critical tool with which to manage the immigration and border system.

#### U.S. Coast Guard: Identifying Illegal Migrants at Sea

US-VISIT and the U.S. Coast Guard are testing a program to collect biometric information from migrants interdicted while attempting to enter illegally into U.S. territory through the eastern Caribbean Sea, around Puerto Rico and the U.S. Virgin Islands, known as the San Juan sector.

Using a mobile biometric collection device, the Coast Guard is comparing migrants' biometric information against information in the US-VISIT database about criminals and immigration violators who were previously deported, are considered recidivists and are aggravated felons from Caribbean nations.

This represents a significant advance in our continued efforts to deploy mobile biometric collection and analysis capabilities at sea to assist in the apprehension and prosecution of illegal migrants and migrant smugglers.

#### US-VISIT: BENEFITS FOR TERRORISM DETECTION AND PREVENTION

US-VISIT is facilitating the coordination and sharing of information about criminals and immigration violators to improve the United States' and its global partners' ability to detect potential threats and prevent their travel.

US-VISIT is working across the federal government to promote intelligence efforts in identifying high-risk people. In collaboration with the Department of Defense and the intelligence community, US-VISIT includes biometric information about known or suspected terrorists on its watch list.

US-VISIT biometric services also facilitate the identification of terrorists by matching against latent fingerprints collected from terrorist safe houses and ongoing criminal investigations conducted around the world. DHS's and DOS's move to a 10-fingerprint collection standard will expand this capability by providing additional fingerprints against which to match latent fingerprints.

US-VISIT also works closely with other governments to develop international standards for identity management. By providing technical assistance in support of their efforts to develop biometric identity management programs, the U.S. government furthers the establishment of consistent and compatible processes and standards worldwide.

For example, US-VISIT has been providing assistance to the United Kingdom's Immigration and Nationality Directorate in the effort to establish a U.K. biometric identity management program. In addition, US-VISIT has assisted with criminal fingerprint information sharing among federal and foreign governments.

#### US-VISIT: SAFEGUARDING PRIVACY AND THE ENVIRONMENT

DHS protects the biometric and biographic information provided by travelers and ensures that their privacy is protected in a manner consistent with all applicable privacy laws and

regulations. Personal information is kept secure and confidential, and appropriate security controls ensure that the data is not used or accessed improperly.

US-VISIT publishes Privacy Impact Assessments to ensure that personal information is used appropriately, protected from misuse and improper disclosure and destroyed when no longer needed. This will be updated as necessary.

US-VISIT's dedicated privacy officer is responsible for the program's compliance with privacy laws and procedures, as well as creating a culture within the program where privacy is inherently valued, treated as a fundamental right and obligation and embedded into planning and development processes. Information on the US-VISIT privacy program is available at [www.dhs.gov/us-visit](http://www.dhs.gov/us-visit).

DHS's Traveler Redress Inquiry Program (DHS TRIP) provides a single point of contact for people who have inquiries or seek resolution regarding difficulties they experienced during their travel screening at transportation hubs, such as airports and train stations, or crossing U.S. borders. DHS TRIP is part of the U.S. government's effort to ensure that travelers' records are accurate, their privacy protected and treatment from DHS officials is professional and fair. Information on DHS TRIP is available at [www.dhs.gov/trip](http://www.dhs.gov/trip). US-VISIT complies with all environmental laws and regulations. Environmental Impact Assessments conducted prior to deployment of every phase of the program have found no adverse impacts.

#### US-VISIT: A CONGRESSIONAL MANDATE

There are four laws that authorize US-VISIT:

- Enhanced Border Security and Visa Entry Reform Act of 2002
- USA PATRIOT Act of 2001
- Immigration and Naturalization Service Data Management Improvement Act (DMIA) of 2000 (amended and replaced the IIRIRA)
- Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)

#### US-VISIT: FUNDING

- The US-VISIT program received \$336 million in FY2006 and Congress appropriated \$362 million for FY2007.
- US-VISIT received \$340 million in FY2005 and \$330 million in FY2004.

#### **Results of DV-2008 Visa Lottery**

The Kentucky Consular Center in Williamsburg, Kentucky, has registered and notified the winners of the DV-2008 diversity lottery. The diversity lottery was conducted under the terms of section 203(c) of the Immigration and Nationality Act and makes available \*50,000 permanent resident visas annually to persons from countries with low rates of immigration to the United States. Approximately 96,000 applicants have been registered and notified and may now make an application for an immigrant visa. Since it is likely that some of the first \*50,000 persons registered will not pursue their cases to visa issuance, this larger figure should insure that all DV-2008 numbers will be used during fiscal year 2008 (October 1, 2007 until September 30, 2008).

Applicants registered for the DV-2008 program were selected at random from over 6.4 million qualified entries received during the 60-day application period that ran from 12:00 AM on October 4, 2006, until midnight, December 3, 2006. The visas have been apportioned among six geographic regions with a maximum of seven percent available to persons born in any single country. During the visa interview, principal applicants must provide proof of a high school education or its equivalent, or show two years of work experience in an occupation that requires at least two years of training or experience within the past five years. Those selected will need to act on their immigrant visa applications quickly. Applicants should follow the instructions in their notification letter and must fully complete the information requested.

Registrants living legally in the United States who wish to apply for adjustment of their status must contact the Bureau of Citizenship and Immigration Services for information on the requirements and procedures. Once the total \*50,000 visa numbers have been used, the program for fiscal year 2008 will end. Selected applicants who do not receive visas by September 30, 2008 will derive no further benefit from their DV-2008 registration. Similarly, spouses and children accompanying or following to join DV-2008 principal applicants are only entitled to derivative diversity visa status until September 30, 2008.

The application period for the DV-2009 lottery ends at 12:00 pm Eastern time on December 2, 2007. Applicants must apply electronically through the form available at [dvlottery.state.gov](http://dvlottery.state.gov). Results will be announced in the fall of 2008.

\* The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulated that up to 5,000 of the 55,000 annually-allocated diversity visas be made available for use under the NACARA program. The reduction of the limit of available visas to 50,000 began with DV-2000.

The following is the statistical breakdown by foreign-state chargeability of those registered for the DV-2008 program:

<b>AFRICA</b>		
ALGERIA 1,926	ETHIOPIA 5,241	NIGER 165
ANGOLA 27	GABON 37	NIGERIA 8,773
BENIN 438	GAMBIA, THE 57	RWANDA 138
BOTSWANA 22	GHANA 5,914	SENEGAL 917
BURKINA FASO 186	GUINEA 463	SIERRA LEONE 1,137
BURUNDI 39	GUINEA-BISSAU 4	SOMALIA 214
CAMEROON 3,152	KENYA 4,547	SOUTH AFRICA 713
CAPE VERDE 13	LESOTHO 4	SUDAN 1,147
CENTRAL AFRICAN REP. 8	LIBERIA 2,148	SWAZILAND 4

CHAD 47	LIBYA 88	TANZANIA 218
COMOROS 5	MADAGASCAR 43	TOGO 1,509
CONGO 1,206	MALAWI 53	TUNISIA 150
CONGO, DEMOCRATIC REPUBLIC OF THE 111	MALI 171	UGANDA 370
COTE D'IVOIRE 614	MAURITANIA 27	WESTERN SAHARA 1
DJIBOUTI 20	MAURITIUS 62	ZAMBIA 214
EGYPT 4,392	MOROCCO 5,017	ZIMBABWE 167
EQUATORIAL GUINEA 7	MOZAMBIQUE 8	
ERITREA 878	NAMIBIA 12	

<b>ASIA</b>		
AFGHANISTAN 57	ISRAEL 150	QATAR 6
BAHRAIN 11	JAPAN 382	SAUDI ARABIA 61
BANGLADESH 5,983	JORDAN 56	SINGAPORE 70
BHUTAN 10	NORTH KOREA 4	SRI LANKA 675
BRUNEI 2	KUWAIT 46	SYRIA 94
BURMA 653	LAOS 7	THAILAND 108
CAMBODIA 187	LEBANON 190	TAIWAN 446
HONG KONG SPECIAL ADMIN. REGION 69	MALAYSIA 87	UNITED ARAB EMIRATES 27
INDONESIA 266	MONGOLIA 259	YEMEN 70
IRAN 1,435	NEPAL 2,562	
IRAQ 164	OMAN 5	

<b>EUROPE</b>		
ALBANIA 2,862	GERMANY 1,469	NORTHERN IRELAND 34
ANDORRA 1	GREECE 77	NORWAY 43
ARMENIA 1,130	HUNGARY 182	PORTUGAL 48 Macau 19
AUSTRIA 70	ICELAND 13	ROMANIA 1,526
AZERBAIJAN 271	IRELAND 162	SERBIA 557
BELARUS 1,072	ITALY 363	SLOVAKIA 157
BELGIUM 89	KAZAKHSTAN 304	SLOVENIA 12
BOSNIA &	KYRGYZSTAN 180	SPAIN 135

HERZEGOVINA 73		
BULGARIA 1,567	LATVIA 75	SWEDEN 118
CROATIA 41	LITHUANIA 334	SWITZERLAND 132
CYPRUS 16	LUXEMBOURG 12	TAJKISTAN 126
CZECH REPUBLIC 158	MACEDONIA 343	TURKEY 2,188
DENMARK 58	MALTA 5	TURKMENISTAN 124
ESTONIA 37	MOLDOVA 474	UKRAINE 5,018
FINLAND 59	MONACO 4	UZBEKISTAN 3,101
FRANCE 603 French Guiana 6 French Polynesia 6 Guadeloupe 4 Martinique 4	MONTENEGRO 22	
GEORGIA 516	NETHERLANDS 123 Aruba 8 Netherlands Antilles 18	

<b>NORTH AMERICA</b>
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BAHAMAS, THE 17
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<b>OCEANIA</b>
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AUSTRALIA 649	NEW ZEALAND 260 Niue 5	SAMOA 27
FIJI 630	PALAU 7	SOLOMON ISLANDS 2
KIRIBATI 9	PAPUA NEW GUINEA 4	TONGA 120

<b>SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN</b>
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ANTIGUA AND BARBUDA 1	DOMINICA 9	PARAGUAY 26
ARGENTINA 106	ECUADOR 217	SAINT KITTS AND NEVIS 1
BARBADOS 17	GRENADA 1	SAINT LUCIA 5
BELIZE 14	GUATEMALA 74	SAINT VINCENT AND THE GRENADINES 1
BOLIVIA 148	GUYANA 24	SURINAME 3
CHILE 26	HONDURAS 42	TRINIDAD AND TOBAGO 82
COSTA RICA 22	NICARAGUA 39	URUGUAY 23

*Natives of the following countries were not eligible to participate in DV-2008: Brazil, Canada, China (mainland-born, excluding Hong Kong S.A.R. and Taiwan), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Peru, the Philippines, Poland, Russia, South Korea, the United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.*

### **DHS Announces 10-Fingerprint Collection**

The Department of Homeland Security announced on Thursday, November 29, 2007, that it had begun 10-fingerprint collection from international visitors at Dulles International Airport in Washington, DC. This fact sheet gives additional details about the program and indicates that 10-fingerprint collection will soon start at other airports across the country.

### **Fact Sheet: Enhanced Driver's Licenses (EDL)**

DHS is pursuing development of alternative documents to meet Western Hemisphere Travel Initiative (WHTI) implementation requirements at land and sea ports of entry. DHS is encouraging states to submit proposals to enhance their driver's licenses and identification documents to satisfy WHTI requirements. To meet WHTI requirements, these documents will denote both identity and citizenship, be issued in a secure process and include technology that facilitates travel.

- DHS believes that enhanced driver's licenses provide travelers with a low cost, convenient alternative for border crossing purposes. DMVs are well positioned to issue these documents, and DHS will support their efforts.
- Washington State is pursuing a project to develop, test, evaluate and issue an enhanced State-issued driver's license that could be used under the WHTI document requirements at land and sea borders. In August, Vermont and Arizona committed to producing EDLs as well, through joint press releases with DHS. Vermont and New York have signed Memoranda of Agreement with DHS to issue EDLs. DHS is in discussions with several other border States to develop EDL projects, including Michigan, Texas, and California.
- DHS has also met with Canadian provincial and federal officials to pursue enhanced driver's licenses as an alternative to the Canadian passport. British Columbia (BC) is the furthest along, though many others are interested.
- Washington State will issue the first EDL in January 2008.
- WHTI stems from a 9/11 Commission recommendation mandated in the Intelligence Reform and Terrorism Prevention Act of 2004. The law requires all travelers, including U.S. and Canadian citizens, to have a secure, verifiable document that denotes identity and citizenship for entry into the United States.
- WHTI is not strictly about security. To the contrary, WHTI will have considerable facilitation benefits because Customs and Border Protection (CBP) officers currently must inspect over 8,000 different types of documents issued by state and local entities when making admissibility determinations at land and seaports.

- Based on DHS testing and its experience with its trusted traveler programs, DHS expects that each application for admission will be more efficient and travelers will move through the primary inspection process more quickly than they do today.
- The EDLs will contain a vicinity Radio Frequency Identification (RFID) chip and a Machine Readable Zone (MRZ) that will facilitate processing for the holder. The license will also include physical security features that guard against tampering.

### **REAL IDs and Enhanced Driver's Licenses**

- DHS has worked to align REAL ID and EDL requirements. DHS is coordinating efforts to ensure that an EDL, developed to meet the requirements of WHTI, will adopt standards that REAL ID requires, as they are defined through the REAL ID rulemaking process.
- Although the goal of enhancing identification security is shared by both programs, there are some distinctions. While the REAL ID requires proof of legal status in the U.S., the state issued EDL will require that the card holder be a U.S. citizen. The EDL will also serve as a limited use international travel document.
- The purpose of REAL ID is to establish minimum standards for State-issued driver's licenses and identification cards to be accepted for official purposes. The law requires the use of a REAL ID for Federal purposes such as accessing Federal facilities, boarding Federally-regulated commercial aircraft, or entering nuclear power plants.
- A REAL ID will not necessarily include RFID technology, whereas an EDL will in order to facilitate border crossing and verification by CBP at a port of entry. An EDL will also include an MRZ to allow CBP officers to read the card electronically if RFID is not available.
- A REAL ID will include machine readable zone (MRZ) technology, though not the international travel document standard MRZ. REAL ID includes a 2D barcode primarily to allow State and local law enforcement to verify that the document is valid.

### **Radio Frequency Identification Technology (RFID)**

- The WHTI document requirements will close a substantial vulnerability. At the same time, WHTI implementation poses operational challenges particularly in the land border environment. To balance effectively the security imperative and the continued facilitation of legitimate trade and travel, DHS decided to expand the use of vicinity Radio Frequency Identification (RFID) technology.
- RFID technology refers to systems that allow a device to read information contained in a wireless device or "tag" from a distance without making any physical contact or requiring a line of sight between the two. It provides a method to transmit and receive data from one point to another.

### **Radio Frequency Identification Technology and Border Management**

- The United States government uses two types of RFID technology for border management—vicinity and proximity. RFID technology has been commercially

available in one form or another since the 1970s. It is now part of our daily lives and can be found in car keys, employee identification, medical history/billing, highway toll tags and security access cards.

- Vicinity RFID means that an RFID-enabled document can be securely and accurately read by authorized readers from up to 20 to 30 feet away.
- Proximity RFID means that an RFID-enabled document must be scanned in close proximity to an authorized reader and can only be read from a few inches away.
- Vicinity RFID technology is a proven means of speeding travelers through land border entry that has been used successfully in DHS trusted traveler programs since 1995; NEXUS, SENTRI, and FAST programs.
- These trusted traveler programs currently have more than 300,000 participants. Participants benefit from expedited processing, and security is enhanced through the ability to affirmatively identify the individual and conduct admissibility checks.
- In utilizing vicinity RFID technology, DHS adheres to the most stringent requirements for safeguarding personal data. No personal information is stored on the card – only a number, which points to the information housed in secure databases.

### **Radio Frequency Identification Technology in Enhanced Driver's Licenses and Other WHTI-Compliant Documents**

- CBP will either maintain the information from the documents in its secure database or ping the secure database owned by the agency that issued the RFID-enabled document, if the agency can meet CBP's performance/response requirements.
- CBP will need real-time access to the biographic and biometric data that allows a CBP officer to make a rapid and thorough admissibility decision when an individual presents the document at the border.
- The RFID chip is read as the vehicle queues for inspection at the border. It signals the database so that biographic information, a photo, and the results of terrorist/criminal checks are displayed to the CBP Officer as the vehicle pulls up to the inspection booth. The CBP Officer can look at the results quickly and focus on the individuals in the vehicle – better for officer safety and faster processing.
- No Personally Identifiable Information (PII) will be transmitted from the card. The chip sends a number that only has meaning to the secure DHS database, where the issuing information is held.

### **USCIS Application and Receipting Update**

U.S. Citizenship and Immigration Services (USCIS) advises customers that processing of fee payments and entry of cases into its tracking system remains behind schedule due to the tremendous increase in the number of applications filed. As a result, applicants are experiencing delays in receiving notices of receipt.

**Date Received in Mailroom** – USCIS will honor the actual date that an application was received in its mailroom; this date will be indicated on the receipt (in the Received Date box) when Form I-797, Notice of Action, is mailed. If your case is affected by the receipt

delay, arrival of your receipt may take up to 12 weeks for adjustment-of-status applications and 15 weeks for naturalization and other applications.

**IMPORTANT:**

Contact Customer Service toll-free at 1-800-375-5283 for:

**Change of Address** – If you have submitted your application and are changing your address, but have not yet received your receipt. (If you have a receipt, you can report your change of address from the USCIS website, Change of Address Online.)

As of **November 30, 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**

<b>Form Number</b>	<b>Date Received</b>
I-130	8/30/2007
I-175	11/13/2007
N-400	11/08/2007
All Other Forms	Current

**Nebraska Service Center**

<b>Form Number</b>	<b>Date Received</b>
I-131	11/27/2007
I-140	11/27/2007
I-485 Employment Based	11/27/2007
I-765	11/27/2007
N-400	11/26/2007
All Other Forms	Current

**Texas Service Center**

<b>Form Number</b>	<b>Date Received</b>
I-485 Employment Based	11/23/2007
N-400	7/29/2007
All Other Forms	Current

**Vermont Service Center**

<b>Form Number</b>	<b>Date Received</b>
I-130	7/29/2007
N-400	9/05/2007
All Other Forms	11/22/2007

## **USCIS Lockbox**

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

### **FBI Name Check Backlog update**

Department of Homeland Security Secretary Chertoff has indicated that USCIS and the FBI are changing parts of the name check process, with the expected result that a large proportion of the backlog should be cleared within six months. The changes are consistent with Secretary Chertoff's risk management approach. The Secretary hopes that, in addition to clearing the backlog, a large percentage of the kinds of applications and situations that have previously been caught in name check delays will, in the future, be cleared quickly. However, he cautions that some checks still will be delayed by investigations, but that that number should represent a small proportion of the numbers previously delayed.

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