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H-2B Visa Holders Get Extension on “Returning Worker” Exemption

On October 23, 2006, the U.S. Citizenship and Immigration Services (USCIS) announced an extension to the “returning worker” exemption to the H-2B visa numerical limitation. Congress sets limits on how many H-2B visas shall be granted each year. However, petitions for returning H-2B workers are not counted towards the cap, and are considered exempt. Therefore, “returning workers” will not be subject to how many visas are still available, if at all. In order to qualify as a “returning worker,” the person must have previously been granted an H-2B visa between October 1, 2003 to September 30, 2006.

Procedures at the USCIS Chicago District Office

Any person who is scheduled for an interview at the USCIS Chicago District Office, located at 101 W. Congress, should know these procedures. First, if the person has an attorney with them, they will only be able to check in when both the person and the attorney are present. If the person checks in without the attorney, and the person is called for their interview before the attorney arrives, the person will be asked if they wish to proceed without the attorney. However, the person will not be pressured to proceed without the attorney and will have the option to reschedule their interview.

Second, if the person needs an interpreter, the Chicago District Office prefers that the interpreter be a “disinterested party.” This means that the interpreter should be an interpreter hired by the person. While a friend, relative or employee of the attorney’s firm may be used, the decision to allow such a person is discretionary and will depend on the issues involved and the possibility of there being adverse action against the person being interviewed.

Finally, no food or drink is allowed in the building.

Diversity Lottery Applications Now Being Accepted

The Department of State has announced that applications for the 2008 Diversity Visa (DV) Lottery will be accepted between Wednesday, October 4, 2006, 12 pm EST

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(Eastern Standard Time) and Sunday, December 3, 2006, 12 pm EST. Applicants may access the electronic Diversity Visa entry form online (<http://www.dvlottery.state.gov>). Paper entries will not be accepted. Applicants are encouraged not to wait until the last week of the registration period to enter since heavy demand may result in website delays.

President Bush Approves New Fence Along U.S./Mexico Border

On October 26, 2006, President Bush signed a new bill which authorizes the construction of a 700 foot fence along the U.S. and Mexican border. The fence will cover approximately one third of the entire length of the border.

Vote in the Mid-Term Congressional Elections

Remember to vote in the mid-term Congressional elections on Tuesday, November 7, 2006. In order to vote, you must be 18 years old, a U.S. citizen (NOTE: It is a crime for a Permanent Resident to vote) and have already registered to vote. If you are unable to vote on November 7, 2006, you can vote early up until Thursday, November 2, 2006, at various locations in the City of Chicago and the surrounding suburbs. Please check the Cook County Election Department's website (www.voterinfonet.com) for more information on voting.

Significant Progress in Priority Dates for Those Awaiting Green Cards

The Immigration and Nationality Act (INA) sets limits on visas for those who want to immigrate to the United States based on a petition filed by either a family member or an employer. For family-based petitions, the INA makes preferences in allocating visa numbers. First preference is for the unmarried sons and daughters of U.S. citizens. The second preference is for spouses and children, and unmarried sons and daughters (21+ years) of U.S. permanent residents. The third preference is for married sons and daughters of U.S. citizens. Finally, the fourth preference is for brothers and sisters of adult U.S. citizens.

Each month, the U.S. Department of State publishes the cut-off priority dates for those petitions that have available visa numbers. The priority date is usually the day the petition was received by the United States Citizenship and Immigration Services (USCIS), formerly the Immigration and Naturalization Services (INS), as noted on the Receipt Notice. Those petitions who have a priority date that is earlier than the posted cut-off date can apply for adjustment of status to permanent resident (green card holder).

The Visa Bulletin for October 2006 shows there has been significant progress in processing family-based petitions, thus moving priority dates forward. Since last month, the priority date for the first preference moved 28 months ahead (from 01/01/98 to 05/01/00). For the second preference spouses and children, the priority date moved 19

months ahead (from 09/22/99 to 04/22/01), whereas second preference sons and daughters (21+ years) only moved 1 month (from 12/01/96 to 01/01/97). The third preference priority date moved forward by 21 days (from 10/01/98 to 10/22/98) and the fourth preference moved forward 1.5 months (from 08/01/95 to 09/15/95).

Change of Address Necessary

All non-immigrant visa holders and all permanent residents in the United States are required by law to file an AR-11 (Change of Address Form) with the USCIS within 10 days of moving from their current residence.

Faster Track to U.S. Citizenship

On September 15, 2006, the USCIS declared that it would eliminate the naturalization backlog and shorten the period of time it takes to become a U.S. citizen. The current average processing time for a naturalization application is 5 months. However, there are still some cases that are pending longer.

No More Temporary Employment Authorization Cards

Until recently, persons who applied for an Employment Authorization Document (EAD card) and whose application was not approved within 90 days of filing, could have gone to a local USCIS office to obtain a temporary EAD card. However, as of September 1, 2006, the USCIS will no longer issue temporary EAD cards. The USCIS is instead working to ensure that all EAD card applications are issued within 90 days of filing.