



# OLSEN LAW FIRM IMMIGRATION NEWSLETTER

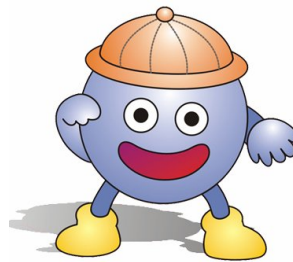
JULY 2006

VOLUME 3

## In this issue:

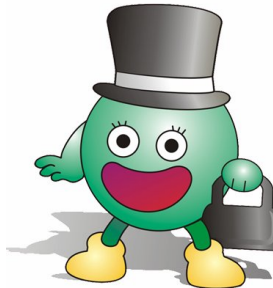
USCIS New Filing Procedure	2-3
Upcoming Passport Requirement Changes	3-4
New Policy on Fiance(e) Petition	4
New Guidance on Form I-864	5
Quick Information Bytes	6

We welcome you to meet the Immis! They help us simplify the immigration process for you. The Immis are in every issue of our newsletter and act as your personal guides to various immigration topics.



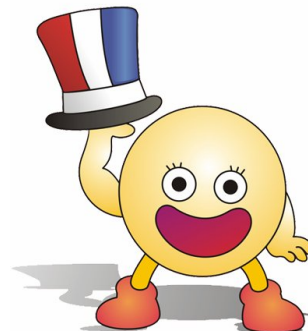
**Immi Jr.**

*Immi Jr. will address nonimmigrant issues*



**Immi**

*Immi will address immigrant issues*



**Citizen Immi**

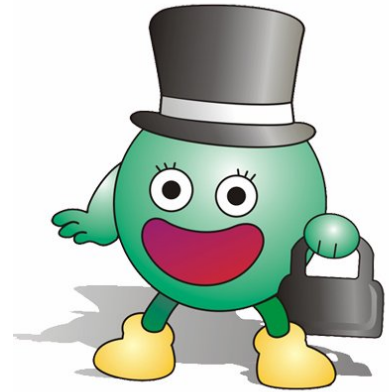
*Immi will address citizenship issues*

## USEFUL INFORMATION:

- Immigration Related Web Sites 7
- Olsen Law Firm Contact Information 8

# IMMEDIATE INFORMATIONAL RELEASES

*Immi, says: Remember Now!! The USCIS has announced changes to the filing procedure for employment-based applications for Adjustment of Status.*



## UPDATED BI-SPECIALIZATION FILING INSTRUCTIONS

**SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)**

Washington, DC – U.S. Citizenship and Immigration Services (USCIS) today announced changes to the filing procedure for employment-based applications for lawful permanent resident status. Starting on July 24th, all applicants filing an Application to Adjust Status or Register Permanent Residence (Form I-485), based on a pending or approved Immigrant Petition for Alien Worker (Form I-140), also referred to as a “standalone filing”, should mail that form directly to the Nebraska Service Center. Applicants should file accompanying forms (e.g., Form I-131, Application for Travel Document, and/or Form I-765, Application for Employment Authorization) at this same centralized location.

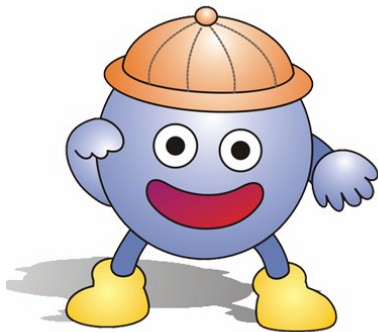
This change marks the second phase of Bi-Specialization, the USCIS initiative to implement centralized filing and bi-specialized adjudications. Through this effort, USCIS is aligning similar workloads between two “sister” service centers. The Vermont Service Center (VSC) and California Service Center (CSC) constitute one Service Center pairing, while the Texas Service Center (TSC) and the Nebraska Service Center (NSC) constitute the other. Pairing work between service centers will allow USCIS to better manage cases and improve customer service.

On April 1st USCIS launched the first phase of bi-specialization, which included amended filing instructions for a Form I-485 that is filed concurrently with a Form I-140. Specifically, USCIS directed that, as of April 1st, these concurrent I-140/I-485 filings be submitted to the Nebraska Service Center. With the amended filing instructions for standalone I-485 filings that take effect on July 24th for phase 2 of Bi-Specialization, the filing of all employment-based Forms I-485 will be centralized at the Nebraska Service Center. Standalone I-485 filings submitted before July 24th to the location where Form I-140 was pending or had already been approved, according to the filing instructions in effect at that time, will generally be processed to completion by the center where they were received.

To launch phase 2 of Bi-Specialization, USCIS has revised the I-485 filing instructions and has designated the Nebraska Service Center/Texas Service Center pairing to process employment-based adjustment of status applications (and related applications). Although the Nebraska Service Center serves as the centralized filing location, some petitioners/applicants will receive a filing receipt from the Texas Service Center, if the case is www.uscis.gov worked by that center.

The Center that generates the Forms I-140/I-485 receipt notices will be the Center that actually adjudicates the case. Customers should pay close attention to their filing receipt, because the service center that generates the receipt notice is the center that will complete the adjudication.

USCIS has amended the instructions for Form I-485 to reflect the change of filing location. This form, located on USCIS.gov, now reflects a new revision date; however, the content of the form has not changed and the previously valid versions of this form remains acceptable. Customers who have already prepared filings can use this form without change and are only asked to mail them to the centralized locations. Customers who fail to learn of these new instructions and file in a previously appropriate location will not be disadvantaged. Until further notice, USCIS will not reject applications or petitions filed at an incorrect Service Center. Instead, USCIS will accept the filing, redirect it to the correct location, and honor the initial receipt date.



***Immi, Jr. says: Watch Out Travelers from Caribbean, Bermuda, Panama, Mexico, and Canada!!! You need to have a passport to enter or re-enter the U.S.***

## **DOS PROVIDES INFORMATION ON UPCOMING PASSPORT REQUIREMENT CHANGES**

**SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)**

The Intelligence Reform and Terrorism Prevention Act of 2004 requires that by January 1, 2008, travelers to and from the Caribbean, Bermuda, Panama, Mexico and Canada have a passport or other secure, accepted document to enter or re-enter the United States. In order to facilitate the implementation of this requirement, the Administration is proposing to complete it in phases following a proposed timeline, which will be published in the Federal Register in the near future.

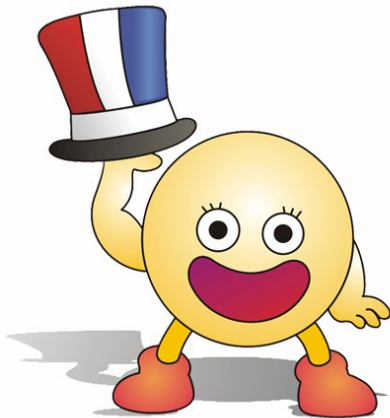
In the proposed implementation plan, which is subject to a period of initial public comment, the Initiative will be rolled out in phases, providing as much advance notice as possible to the affected public to enable them to meet the terms of the new guidelines.

The proposed timeline will be as follows:

- December 31, 2006 - Requirement applied to all air and sea travel to or from Canada, Mexico, Central and South America, the Caribbean, and Bermuda.

- December 31, 2007 - Requirement extended to all land border crossings as well as air and sea travel.

This is a change from prior travel requirements and will affect all United States citizens entering the United States from countries within the Western Hemisphere who do not currently possess valid passports. This new requirement will also affect certain foreign nationals who currently are not required to present a passport to travel to the United States. Most Canadian citizens, citizens of the British Overseas Territory of Bermuda, and to a lesser degree, Mexican citizens will be affected by the implementation of this requirement.



***Citizen Immi says: USCIS has announced the new policy that it will “RFE” for most Alien Fiancé (e) Petitions.***

## **USCIS NOTIFIES PUBLIC OF NEW POLICY CONCERNING FIANCÉ(E) PETITIONS**

**SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)**

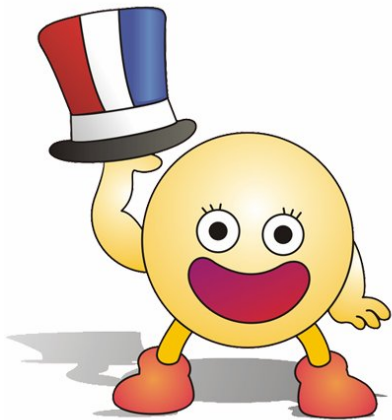
### ***Agency to Request Additional Evidence to Comply with IMBRA***

Washington, DC – U.S. Citizenship and Immigration Services (USCIS) announced today that in order to comply with provisions of the International Marriage Brokers Regulation Act of 2005 (IMBRA), it will need to issue “Requests for Evidence” for more than 10,000 Alien Fiancé(e) Petitions (Form I-129F) currently being held at USCIS Service Centers. USCIS will begin immediately to issue RFEs to affected petitioners using an RFE template that has been approved and cleared by the Office of Management and Budget (OMB).

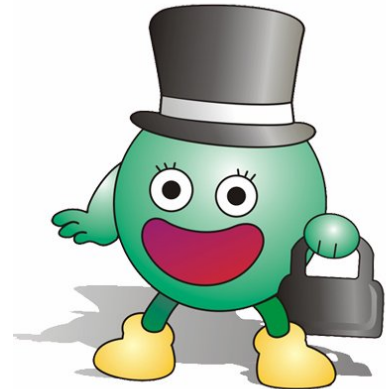
All petitions filed on or after March 6 must be supplemented with additional information to satisfy the new evidentiary requirements established by IMBRA. To adjudicate the petitions that are being held as quickly and efficiently as possible, USCIS is issuing “Requests for Evidence” (RFEs) asking petitioners to provide the additional information including data pertaining to a petitioner’s criminal history (if any). Details on the waiver process for those affected by the new limitation for filings of I-129Fs are also provided in the RFE. A new Form I-129F that incorporates these changes should become available later in June. In certain circumstances, USCIS may need to issue a second RFE to some petitioners later in the process if it is determined that other required information was not provided in the initial filing.

The Violence Against Women Act (VAWA) and Department of Justice Reauthorization Act of 2005, of which IMBRA is a part, are designed to continue Congress’s efforts to prevent domestic violence and spousal abuse. Immigrants who have been victims of domestic violence have long benefited from VAWA

immigration provisions, which allow abused spouses and children to self-petition for lawful immigration status. Under IMBRA, Congress has further extended those protections by regulating more closely the international marriage broker market and by requiring disclosure of violent criminal history, such as domestic abuse, rape, or murder, of which a fiancé(e) may be unaware.



*Immis say: Applicants, you need to be aware that USCIS has published the final rule regarding Affidavits of Support (Form I-864).*



## **FINAL RULE REGARDING AFFIDAVITS OF SUPPORT**

**SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)**

Washington, D.C. – U.S. Citizenship and Immigration Services (USCIS) published today in the Federal Register (71 FR 35732) a final rule regarding Affidavits of Support (Form I-864). Affidavits of Support are submitted by sponsors on behalf of most family-based and some employment-based immigrants. The final rule responds to public comments to an interim rule published by the former Immigration and Naturalization Service on October 20, 1997 in the Federal Register at 62 FR 54346. The final rule makes the Affidavit of Support process less burdensome for sponsors while continuing to ensure that each intending immigrant has a sponsor who has sufficient income and/or assets to support the immigrant(s). The Affidavit of Support also allows the sponsored intending immigrant to establish that he or she is not likely to become a public charge (e.g., receive certain federal or state means-tested benefits).

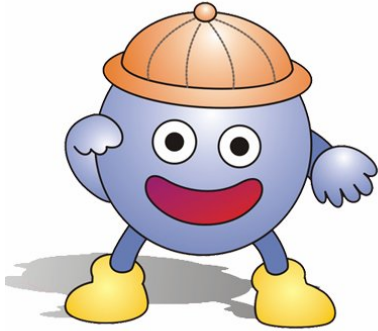
This final rule takes effect July 21, 2006. It will apply to any application for an immigrant visa or adjustment of status that is decided on or after July 21, 2006 even if the case was filed before July 21, 2006.

### Highlights From the Final Rule

- Reduces required initial documentation: Each sponsor is now required to submit as initial evidence only his or her single most recent tax return rather than tax returns from the three most recent federal tax returns, pay stub(s) covering the most recent six months, and an employer letter.
- Introduces new EZ Affidavit of Support (Form I-864EZ): The EZ Affidavit of Support is a short form Affidavit of Support to be used by certain petitioning sponsors who rely only upon their own employment to meet the affidavit of support requirements.

Establishes new Intending Immigrant's I-864 Exemption (Form I-864W): This new form is specifically designed to standardize and make more efficient the process certain immigrants must follow to establish that they are not required to have an affidavit of support filed on their behalf.

## QUICK INFORMATION BYTES

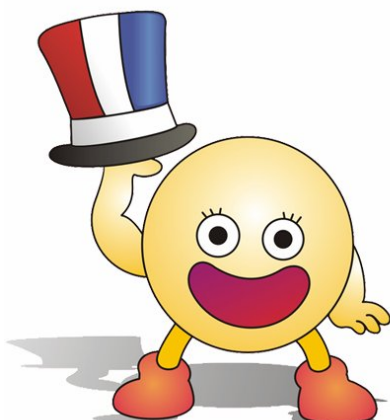
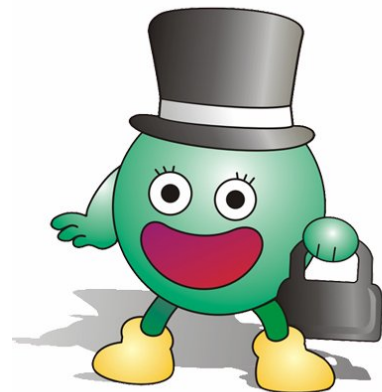


***Immi, Jr. says: Remember to apply for a transit visa if you are planning to travel outside of the U.S. via multiple flight connections and your current F-1 visa has expired.***

SOURCE: TERRENCE L. OLSEN, ESQ., OLSEN LAW FIRM

***Immi says: Unless it is a medical emergency, it is best not to re-schedule fingerprint appointments. It is best to attend the already scheduled fingerprint appointment.***

SOURCE: TERRENCE L. OLSEN, ESQ., OLSEN LAW FIRM



***Citizen Immi says: If you have a trip outside the U.S. over 180 days within 5 years when you apply for Naturalization, then during the Naturalization Interview you should have a record to prove that you still have residence and obligations in the***

**U.S.**

SOURCE: TERRENCE L. OLSEN, ESQ., OLSEN LAW FIRM

## QUESTIONS AND ANSWERS

**Explanation:** If you have questions concerning immigration related issues or concerns and are of a non-advice and pure general interest nature, please e-mail them to [tolsen@tlolaw.com](mailto:tolsen@tlolaw.com).

## IMPORTANT IMMIGRATION RELATED WEB SITES

<http://uscis.gov/graphics/index.htm>

- US Citizenship and Immigration Services Web Link

<http://www.dol.gov/>

- Dept. of Labor Web Link

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

- Dept. of State Web Link

<http://www.embassy.org/>

- Embassies in Washington D.C. Web Link

<http://www.aviso.net/government/embassies/>

- Embassies Located Inside and Outside U.S. Web Link

## CONTACT INFORMATION

Please visit: [www.tlolaw.com](http://www.tlolaw.com) for our web site  
**Terrence L. Olsen, Attorney, [tolsen@tlolaw.com](mailto:tolsen@tlolaw.com), 423-648-9390 and 423-648-9370 (for Chinese and Taiwanese language assistance)**

### **Disclaimer**

OLSEN LAW FIRM provides the information on these pages as a public service, free of charge. Information contained on these pages is not intended as, and should not be taken as, legal advice. The use of information provided on these pages should not be taken as establishing any contractual or other form of attorney-client relationship between OLSEN LAW FIRM and the reader or user of this information.

While we would like to hear from you, please understand that merely contacting us does not create an attorney-client relationship between us. We cannot represent you or become your lawyers in any way unless (1) we know that doing so would not create conflict of interest with any of the clients we currently represent or have represented in the past and (2) satisfactory arrangements have been made between us for our representation.

While we have provided links to other World Wide Web sites, we cannot be and are not responsible for the contents of these other sites. We expressly disclaim any liability with respect to actions taken or actions not taken based on content received from a third-party web site linked, directly or indirectly, to the OLSEN LAW FIRM web site.

The link to another site is not to be construed in any way as an endorsement of the host, the site, or the information contained therein, nor is such link to be inferred as an association or affiliation with the host.

Listing of related or included practice areas herein by individual attorneys or by OLSEN LAW FIRM does not constitute or imply a representation of Certification of Specialization.

Immi, Jr., Immi, and Citizen Immi © 2002 by Terrence L. Olsen.