



# OLSEN LAW FIRM IMMIGRATION NEWSLETTER

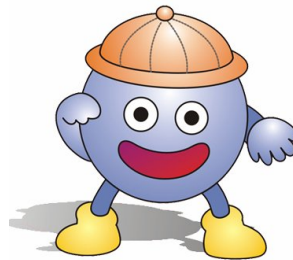
MARCH 2007

VOLUME 4

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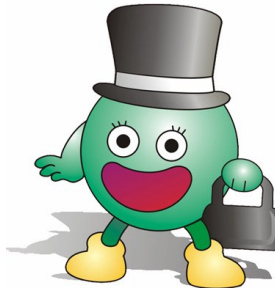
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We welcome you to meet the Immis! They help us simplify the immigration process for you. The Immis are in every issue of our newsletter and act as your personal guides to various immigration topics.



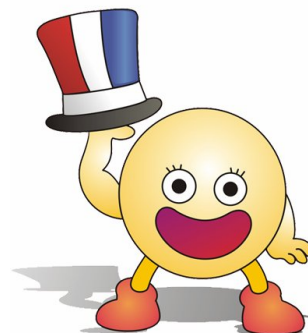
**Immi Jr.**

*Immi Jr. will address nonimmigrant issues*



**Immi**

*Immi will address immigrant issues*



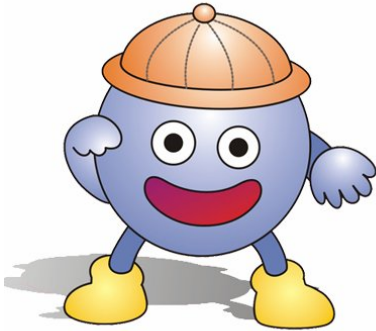
**Citizen Immi**

*Immi will address citizenship issues*

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# IMMEDIATE INFORMATIONAL RELEASES



*Immi, Jr. says: ATTENTION!!! H-1B Applicants, April 1, 2007 is the H-1B cap opening day, you need to be aware of the correct direct filing addresses for your packet.*

## **USCIS ANNOUNCES DIRECT FILING INSTRUCTIONS FOR I-129 AND I-539 UNDER THE BI-SPECIALIZATION INITIATIVE**

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

U.S. Citizenship and Immigration Services (USCIS) announced new Direct Filing instructions for a variety of immigration forms that were transitioned into the Bi-Specialization initiative.

This Update addresses Direct Filing instructions for Forms I-129 (Petition for Nonimmigrant Worker) and I-539 (Application to Change/Extend Nonimmigrant Status). Direct filing will be implemented incrementally for all remaining petition and application forms transitioned into the Bi-Specialization initiative.

Under this new process, USCIS is requiring that customers “Direct File” their petitions and applications directly with the service center that will process the filings, based on the place of temporary employment or place of residence. Customers can expect that the center where they file will also be the center that generates the receipt notice and completes the adjudication. This is a streamlining of the Bi-Specialization process which previously required that applications and petitions be filed at one centralized location and subsequently distributed to another service center for issuance of a receipt notice and final case processing.

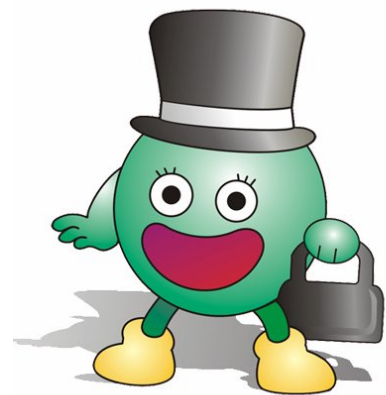
Effective April 2, 2007, all Forms I-129 and I-539 are to be filed directly with the California Service Center or the Vermont Service Center, whichever is applicable. Customers are responsible for filing the forms with the correct Service Center and should verify that they use the correct filing address by referring to the instructions on the relevant form. To reduce the burden on customers that may have prepared their filings ahead of issuance of this Update, USCIS clarifies that customers do not need to change Service Center addresses on letterhead or supporting documents.

USCIS is also releasing filing charts that delineate the proper filing location, and will post those charts on its Web site prior to April 2, 2007.

Employers requesting Premium Processing Services on Form I-129 must also file a Request for Premium Processing Services (Form I-907). Please visit the Premium Processing page on the USCIS Web site to ensure that the requested classification is eligible.

USCIS will accept Forms I-129 and I-539 filed in accordance with the old filing instructions during the first 15 days of implementation of Direct Filing (from April 2 – 16). However, if a Form I-129 or I-539 is filed on or after April 17, 2007, and is not submitted to the correct filing location, it will be rejected and returned to the petitioner/applicant with fee and instructions for proper filing.

***Immi Says: The applicants for Removal of Conditional Resident status, you need to be aware that there is now a \$70.00 Biometrics Processing fee.***



## **NEW BIOMETRICS PROCESS FOR CONDITIONAL PERMANENT RESIDENTS**

**[SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION \(AILA\)](#)**

U.S. Citizenship and Immigration Services (USCIS) announced the implementation of a new nationwide biometrics process for conditional permanent residents who file Form I-751, Petition to Remove Conditions on Residence. The new process is effective immediately. Under the old process, following the approval of Form I-751, an approval notice was issued instructing the applicant to appear at a USCIS District Office for processing of his or her Form I-551, Permanent Resident Card (“Green Card”). The approved applicant would manually submit passport-style photographs, index fingerprints, and a signature on Form I-89, I-551 or I-586 Card Data Collection Form, for creation of his or her permanent resident card.

The new process, as authorized in 71 Federal Register 15469 (March 28, 2006), requires all conditional permanent residents to appear at a USCIS Application Support Center (ASC) after filing Form I-751 in order to have their biometrics electronically captured. An ASC appointment notice will automatically be sent by mail to the applicant with the specific date, time and location for biometric processing. Biometric processing includes the electronic capture of an applicant’s photograph, signature, index fingerprint and ten-print fingerprints. The photograph, signature and index fingerprint are used to generate the lawful permanent resident card, if the Form I-751 is

approved. The ten-print fingerprints are captured for the purpose of conducting a criminal background check and are processed for applicants between the ages of 14 and 79.

Applicants (except for “overseas applicants” described below) will no longer be required to submit passport style photographs, since photographs will be captured at an ASC. USCIS requires all conditional permanent residents, including those residing overseas pursuant to military or government orders, to submit the standard base petition fee of \$205 and a biometric services fee of \$70.

Following the submission of all applicable fees, a scheduled appearance at an ASC and the approval of Form I-751, applicants will be issued a permanent resident card by mail. The process for “applicants overseas due to military or government orders” is different and is described below.

It is important to note that each conditional resident dependent eligible to be included on the principal applicant’s Form I-751 and listed under Part 5 of Form I-751, must submit an additional biometric services fee of \$70. This includes dependents residing overseas pursuant to military or government orders, regardless of age.

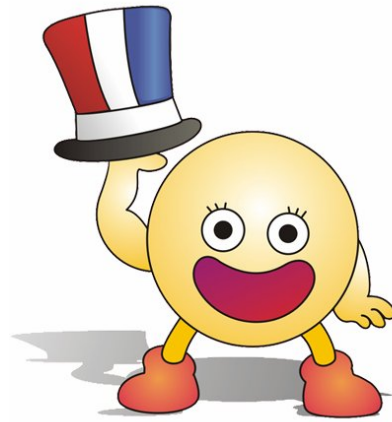
### **Purpose of The New Process**

This new process will enhance security and enable USCIS to provide better customer service. Elimination of the manual processing of Form I-89 will reduce the potential for fraud by electronically verifying the identity of an applicant through his or her unique biometrics. An applicant can now check his or her case status on-line and minimize visits to USCIS Field Offices. By using electronic fingerprint technology, rather than manually capturing fingerprints, USCIS will reduce processing times for criminal background checks. Efficiency in case processing will increase, and applicants will receive their permanent resident cards in a more timely manner.

### **Exception For Conditional Resident Applicants and Conditional Resident Dependent Children Residing Overseas Due to Military or Government Orders**

Since USCIS does not have ASCs overseas, conditional resident applicants and their conditional resident dependents will not receive an ASC appointment notice. In order for USCIS to conduct biometric processing of these conditional residents residing overseas and to generate a permanent resident card for approved applicants, principal applicants and their conditional resident dependent/s between the ages of 14 and 79 are required to submit two fingerprint cards (Form FD-258). In addition, all applicants and eligible dependents, regardless of age, are required to submit two passport-style photos. As indicated on the instructions of Form I-751, both items are required at the time of filing the form. Conditional resident applicants currently residing abroad pursuant to military or government orders must have their fingerprints taken at a U.S. Military Installation, Overseas USCIS Office, U.S. Consulate, or U.S. Embassy. In order for USCIS to identify filings based on military or government orders, applicants are required to indicate on top of Form I-751, “**ACTIVE MILITARY or GOVERNMENT ORDERS**”, and submit a copy of their current military or government orders.

*Citizen Immi Says: Wah!! Now it may be easier for your children to travel in between Canada, Mexico, etc.*



## **DHS ANNOUNCES TO PROPOSE PASSPORT FLEXIBILITY FOR U.S. AND CANADIAN CHILDREN AT LAND AND SEA BORDERS**

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

The Department of Homeland Security (DHS) announced its intent to propose, as part of the forthcoming Notice of Proposed Rulemaking on the Western Hemisphere Travel Initiative (WHTI), significant flexibility regarding travel documents required for U.S. and Canadian children as part of WHTI requirements for U.S. land and sea border entry in 2008.

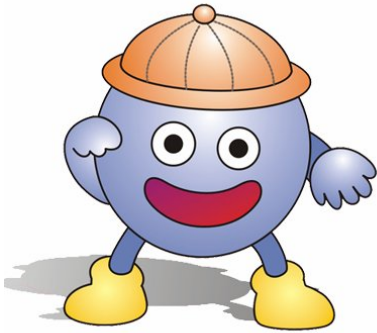
As early as January 1, 2008, U.S. citizens traveling between the United States and Canada, Mexico, Central and South America, the Caribbean, and Bermuda by land or sea will be required to present a valid passport or other WHTI compliant documents, as determined by the Department of Homeland Security.

This proposal, which will be subject to public comment as part of the rulemaking process on the WHTI, would allow U.S. and Canadian citizens, ages 15 and younger with parental consent, to cross the border at land and sea ports with a certified copy of their birth certificate as an alternative to a passport or other WHTI compliant identity card. U.S. and Canadian citizen children, ages 16 through 18, traveling with public or private school groups, religious groups, social or cultural organizations or teams associated with youth athletics organizations would also be able to enter, under adult supervision, with a certified copy of their birth certificate.

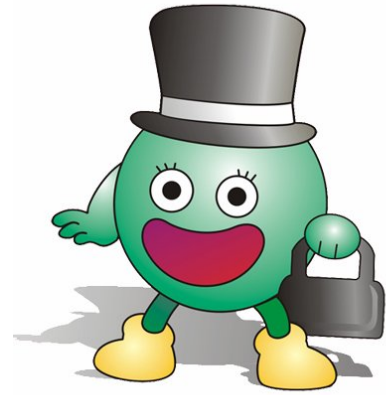
The initial phase of WHTI travel document requirements went into effect last month, obligating all air travelers, regardless of age, to present a passport for entry to the United States. The DHS proposal announced today does not affect the requirements for air travel.

The Department of State will soon issue final regulations that will allow it to issue to U.S. citizens a lower cost alternative to a passport, the Passport Card. DHS will continue to issue WHTI compliant border crossing documents for frequent border crossers under its trusted traveler programs.

The Intelligence Reform and Terrorism Prevention Act of 2004 mandated the WHTI travel document requirements. A formal proposed rule addressing land and sea travel will be published at a later date, with additional details on requirements for travelers entering the United States through land and sea border crossings.



*Immis Say: Good News!!! The generic RFEs for Form I-360 have been discontinued.*



**USCIS TO REISSUE REQUESTS FOR EVIDENCE FOR SPECIAL IMMIGRANT RELIGIOUS WORKERS (FORM I-360)**

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

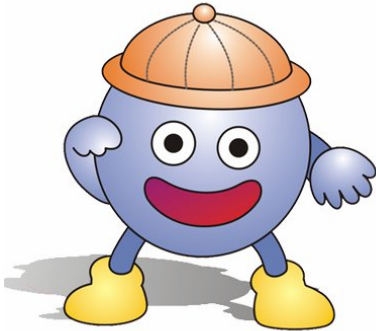
U.S. Citizenship and Immigration Services (USCIS) has recently found that some recent Requests for Evidence (RFEs) were issued to petitioners for Special Immigrant Religious Workers (Form I-360) that did not take into account the supporting evidence that was included with the petition. These generic RFEs requested evidence with respect to every eligibility criteria, regardless of the evidence initially submitted by the petitioner.

On January 29, 2007, USCIS discontinued the use of generic RFEs. Affected petitioners do not have to respond to these generic RFEs. However, affected petitioners can, if they choose, respond to these RFEs pointing out the evidence already submitted and submitting any other missing evidence. Petitions will not be denied for abandonment for failure to respond to these generic RFEs.

After reviewing each of these petitions, USCIS, if needed, will send a case-specific Request for Evidence to affected petitioners to request the specific additional supporting evidence required for adjudication.

After USCIS receives the petitioner's response to that case-specific RFE within the timeframe specified in the case-specific RFE, a decision will be made on the case.

## QUICK INFORMATION BYTES

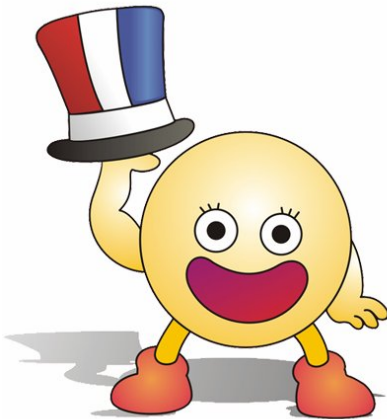
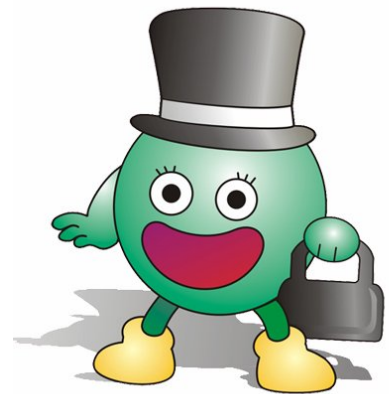


***Immi, Jr. says: Always bring English Translations of foreign documents to visa interviews.***

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

***Immi says: Remember, immigration fraud can be seen as any inconsistent statement, document, action, etc.***

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



***Citizen Immi says: A CIS officer can compare your answers during a naturalization interview to the answers on your previously submitted Form I-485.***

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)**

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