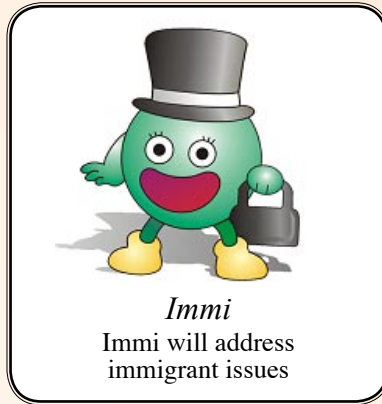


# W The Olsen Law Firm IMMIGRATION WATCH

• VOLUME 4  
• JUNE 2007

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.



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*Immi, Jr. says:*

Ooh! The USCIS has increased its filing fees. Most importantly, you need to know that the effective date is July 30, 2007

## **DHS PUBLISHES FINAL RULE ON THE NEW FEE SCHEDULE**

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

This rule adjusts the fee schedule for U.S. Citizenship and Immigration Services (USCIS) immigration and naturalization benefit applications and petitions, including nonimmigrant applications and visa petitions. These fees fund the cost of processing applications and petitions for immigration benefits and services, and USCIS' associated operating costs. USCIS is revising these fees because the current fee schedule does not adequately reflect current USCIS processes or recover the full costs of services provided by USCIS. Without an immediate adjustment of the fee schedule, USCIS cannot provide adequate capacity to process all applications and petitions in a timely and efficient manner. In addition, the revised fees will eliminate USCIS' dependency on revenue from interim benefits, temporary programs, and premium processing fees.

This rule also merges fees for certain applications and petitions so applicants and petitioners will only have to pay a single fee. In addition, the rule expands the classes of aliens that will be exempt from paying filing fees for certain immigration benefits, and modifies the criteria for waiving the filing fee due to an individual's inability to pay. Based on comments received by USCIS during the public comment period, this rule changes the fees for adjustment of status applications, and the fee waiver and exemption eligibility criteria for several immigration benefits. This final rule will provide sufficient funding for USCIS to meet national security, customer service, and processing time goals, and to sustain and improve service delivery.

This rule is effective **July 30, 2007**. Applications or petitions mailed, postmarked, or otherwise filed, on or

after July 30, 2007 must include the new fee.

To review the final fee schedule you can log on to <http://www.uscis.gov/files/nativedocuments/FinalUSCISFeeSchedule052907.pdf>



## *Immi says:*

Oh! You need to know that USCIS has terminated the premium processing service for Form I-140 petitions requesting labor certification substitution.

### **USCIS TERMINATES PREMIUM PROCESSING SERVICE FOR FORM I-140 PETITIONS REQUESTING LABOR CERTIFICATION SUBSTITUTION**

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

United States Citizenship and Immigration Services (USCIS) announced that beginning on Friday, May 18, 2007, it will terminate Premium Processing Service for Form I-140 petitions that request labor certification substitution in accordance with 8 CFR 103.2(f)(2). USCIS anticipates a substantial increase in the number of petitioning employers that will file Form I-140 petitions requesting Premium Processing Service and seeking labor certification substitution prior to July 16, 2007. The volume of such petitions filed requesting Premium Process Service is expected to exceed USCIS' capacity to provide the Premium Process Service according to the program guidelines.

The Department of Labor (DOL) amended its administrative regulations at 20 CFR part 656 through a final rule, Labor Certification for the Permanent Employment of Aliens in the United States; Reducing the Incentives and Opportunities for Fraud and Abuse and Enhancing Program Integrity, published in the Federal Register on May 17, 2007, which will take effect on July 16, 2007. The DOL final rule will eliminate the practice of substituting alien beneficiaries on approved labor certifications filed with USCIS in support of Form I-140 petitions. Amended 20 CFR 656.11 will mandate that the information contained in a labor certification application may not be modified after the labor certification application is filed with DOL. This includes the substitution of alien names on the labor certification. Beginning on July 16, 2007, USCIS will no longer accept Form I-140 petitions that are supported by labor certifications

that were approved by DOL for an alien other than the alien beneficiary named on the labor certification application.

Premium Processing Service guarantees that within 15 calendar days of receipt of a petition, USCIS will issue either an approval notice, a notice of intent to deny, a request for evidence or open an investigation for fraud or misrepresentation. Due to the volume of Form I-140 petitions that request labor certification substitution that USCIS anticipates will be filed prior to July 16, 2007 (the date upon which labor certification substitution will no longer be available to Form I-140 petitioning employers), USCIS can not reasonably ensure this level of processing service for Form I-140 petitions that request labor certification substitution within 15 calendar days.

Summer travelers, if you want your passports processed quickly, then you must “**EXPEDITE**” them.



## **DOS ANNOUNCES RECORD LEVELS OF PASSPORT PRODUCTION**

Source: AMERICAN IMMIGRATION LAWYERS ASSOCIATION (AILA)

The Department of State set new records in March and April, issuing more than three million passports to Americans planning international travel. With passport demand at record levels, passport production time averages 10-12 weeks. Americans should apply at least twelve weeks before they plan to travel.

**Passport Production:** For the first seven months (October through April) of Fiscal Year 2007, the Department issued 8.6 million passports. This is a 33 percent increase from the same period last year and is more passports than were issued in any single full year before 2003.

**Arkansas Passport Center:** The newest passport mega-processing center, in Hot Springs, Arkansas, began pilot operations on March 27 and ramped up production in April. When the Center reaches full capacity by the end of 2007, the Center will be able to produce more than 10 million passports per year. The Center has already printed more than 80,000 passports for American citizen travelers.

This center represents a dynamic, new approach to the production of passports for Americans. Other domestic passport agencies will electronically transmit approved applications to the Arkansas Passport Center, which is dedicated solely to printing and mailing out large quantities of passports. By centralizing passport printing the Department will focus resources at other agencies on processing and adjudicating more passport applications.

**Increased Staffing:** Aggressive recruitment brought 170 new government and contract employees onboard during March and April, and retirees with passport adjudication experience are returning to help our efforts. The Department continues to recruit qualified personnel to meet America's demands for passports.

**Regional Agencies Working Overtime:** Employees at the 18 Passport Agencies nationwide continue to work overtime daily and on weekends to process applications to meet Americans' travel plans.

**Expanded Call Center for Information and Appointments:** In addition to its regular business hours, 6 a.m. until midnight, Eastern Time, Monday through Friday, the National Passport Information Center (1-877-487-2778) is open Saturday and Sunday from 9 a.m. to 5 p.m. for customer inquiries and information. The Center has more than doubled its staff in order to meet public demand and continues to recruit and train new customer service representatives.

**Increased Phone Staff:** On top of their regular duties, State Department employees are volunteering on special telephone task forces to answer

questions and help Americans get their passports. The Department has installed high-capacity telephone lines to increase the volume of telephone calls it can receive, with plans to further expand capacity as needed.

**Increased Desk Staff:** Qualified State Department employees are working on daytime, evening and weekend task forces at the Washington Passport Agency and the National Passport Center in New Hampshire. These staffers, who supplement the Department's expanding corps of passport specialists, have approved more than 55,000 applications since mid-March.

### **Important Points for Travelers**

Applicants should be sure to check their applications against the checklist at <http://travel.state.gov/passport>; 13 percent of applications are delayed by simple errors such as not signing the application, forgetting to include a check for the applications fee, writing a check for the wrong amount, or submitting a photograph that does not meet Department specifications. Applications that use the secure online form (first time applicants: <https://pptform2.state.gov/DS11/MainDS11.aspx>; renewal applicants: <https://pptform2.state.gov/DS82/Eligibility.aspx>) will be processed more quickly.

Travelers can check the status of their passport applications online at [http://travel.state.gov/passport/get/status/status\\_2567.html](http://travel.state.gov/passport/get/status/status_2567.html). Information on routine applications is normally available online approximately four weeks after the application is submitted. Information on expedited applications is normally available online approximately one week after the application is submitted.

Those who have applied and are leaving within two weeks can visit [http://travel.state.gov/passport/about/npic/npic\\_896.html](http://travel.state.gov/passport/about/npic/npic_896.html) to send an email inquiry to check the status or call the National Passport Information Center at 1-877-487-2778. Other travelers may leave the phone lines open for those with immediate travel needs.

Travelers who have not applied for passports to date should allow at least 10-12 weeks for standard passport processing and 2-3 weeks for expedited processing. Information on how to apply for a passport, including how to expedite processing, is available at <http://travel.state.gov>. Applicants requesting expedited service must write “**EXPEDITE**” on the outside of the envelope containing their application. <https://pptform2.state.gov/DS82/Eligibility.aspx>) will be processed more quickly.

## QUICK INFORMATION BYTES

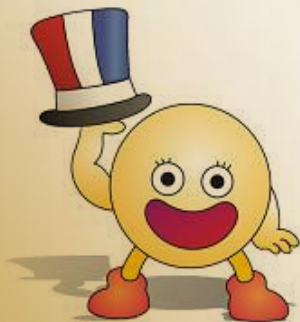


***Immi, Jr. says:*** New F-1s beginning their programs for the first time must wait to enter the U.S. until 30 days or less before the program starts.

***Immi says:*** After mid-July, all PERM certifications will be valid for only 180 days.



***Citizen Immi says:*** If you want to change your name, then you can simply state on the form N-400 that you would like to change your name.



## 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

- US Citizenship and Immigration Services  
<http://www.uscis.gov/portal/site/uscis>
- Department of Labor  
<http://www.dol.gov/>
- Department of State  
<http://www.state.gov/>
- Embassies in Washington D.C.  
<http://www.embassy.org/>
- Visa Bulletin  
[http://travel.state.gov/visa/frvi/bulletin/bulletin\\_1360.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html)



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