



## Immigration Solutions For Today's Challenging Environment

### **USCIS to Offer Premium Processing For Certain Form I-140 Petitions**

U.S. Citizenship and Immigration Services (USCIS) announced that on June 16, 2008, it will begin accepting Premium Processing Service requests for Forms I-140 (Immigrant Petition for Alien Worker) filed on behalf of certain alien workers who are nearing the end of their sixth year in H-1B nonimmigrant status.

Premium Processing Service offers 15 calendar-day processing for designated employment-based petitions and applications upon request. There is a nonrefundable fee of \$1000 for this service. During the 15-day period, USCIS will issue either an approval or denial notice, a notice of intent to deny, a request for evidence, or open an investigation for fraud or misrepresentation. USCIS previously designated certain classifications under Form I-140 for Premium Processing Service in the May 23, 2006 issue of the Federal Register. See 71 FR 29662.

USCIS is limiting Premium Processing Service for Form I-140 petitions that are filed on behalf of aliens:

- ◇ Who are currently in an H-1B non-immigrant status;
- ◇ Whose sixth year will end within 60 days;
- ◇ Who are only eligible for a further extension of H-1B nonimmigrant status under section 104(c) of the American Competitiveness in the Twenty-first Century Act of 2000 (AC21); and
- ◇ Who are ineligible to extend their H-1B status under section 106(a) of AC21.

Section 104(c) of AC21 permits applicants to extend their stay in H-1B non-immigrant status in increments of up to three years, provided they are the beneficiary of an approved Form I-140 and an immigrant visa is not immediately available. Section 106(a) of AC21 permits applicants to extend their stay in H-1B nonimmigrant status in increments of up to one year, provided the Form I-140 petition or underlying labor certification has been pending for at least 365 days. ♦

For more details on Premium Processing Service for the Form I-140 petitions described in this announcement, visit the USCIS web site at [http://www.uscis.gov/files/article/premiumproc\\_factsheet\\_i140\\_061108.pdf](http://www.uscis.gov/files/article/premiumproc_factsheet_i140_061108.pdf).

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## USCIS to Issue Two-Year Employment Authorization Documents

U.S. Citizenship and Immigration Services (USCIS) announced that beginning on June 30, 2008 it will issue Employment Authorization Documents (EAD) valid for two years.

The new two-year EAD is only available to individuals who have filed to become a lawful permanent resident (LPR) using a Form I-485, Application to Register Permanent Residence or Adjust Status, and filed for employment authorization under Section 274.a.12(c)(9) of Title 8, Code of Federal Regulations (8 C.F.R.) but are unable to become an LPR because an immigrant visa number is not currently available.

USCIS will decide whether to renew an EAD for either a one or two year validity period based on the most recent Department of State Visa Bulletin. A link to these bulletins is available under the related links section of this page.

For applicants who have an available immigrant visa number and are filing for employment authorization under 8 C.F.R. Section 274.a.12(c)(9), USCIS will continue to grant EADs that are valid for one-year. USCIS may issue a two-year renewal EAD if the applicant's immigrant visa availability date retrogresses (when actual demand for visa numbers exceeds forecasted supply) after the I-485 is filed.

If an individual requests to replace an EAD that has not expired, USCIS will issue a replacement EAD that is valid through the same date as the previously issued EAD. However, if the previous EAD has expired, USCIS will process the request for a renewal EAD and determine the appropriate validity period based on the applicant's priority date and the Department of State Visa Bulletin.

For more information on Employment Authorization Documents, please contact the USCIS National Customer Service Center at (800) 375-5283 or review the USCIS Employment Authorization Documents web page. ♦

## USCIS Revises Filing Instructions for Petitions to Remove Conditions on Residence

U.S. Citizenship and Immigration Services (USCIS) has revised the filing instructions for the Petition to Remove Conditions on Residence (Form I-751). Effective immediately, all petitioners filing a Form I-751 must file with the California or Vermont Service Center, depending on the state in which they reside.

Petitioners who live in Alaska, American Samoa, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyo-

ning must file their Forms I-751 with the California Service Center:

**USCIS California Service Center**  
**P.O. Box 10751**  
**Laguna Niguel, CA 92607-1075**

Petitioners who live in Alabama, Arkansas, Connecticut, Delaware, Washington, D.C., Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, and West Virginia must file their

Forms I-751 with the Vermont Service Center:

**USCIS Vermont Service Center**  
**75 Lower Welden St.**  
**P.O. Box 200**  
**St. Albans, VT 05479-0001**

Beginning September 24, 2008, USCIS will only accept the revised form dated August 25, 2008, and will reject previous versions of the form as well as petitions filed with the incorrect Service Center.

Please contact the National Customer Service Center at (800) 375-5283 for more information. ♦

## USCIS Informs The Public That New Passport Card Is Acceptable For Employment Eligibility Verification

U.S. Citizenship and Immigration Services is informing the public that the new U.S. Passport Card may be used in the Employment Eligibility Verification form (I-9) process.

Last month, the Departments of State and Homeland Security announced that the new passport card was in full production. The new card provides a less expensive and more portable alternative to the traditional passport book, and will

expedite document processing at United States land and sea ports-of-entry for U.S. citizens traveling to Canada, Mexico, the Caribbean, and Bermuda.

While the new card is more limited in its uses for international travel (e.g., it may not be used for international air travel), it is a valid passport that attests to the U.S. citizenship and identity of the bearer. Accordingly, the card may be used for the Form I-9 process and can also be accepted

by employers participating in the E-Verify program.

The passport card is considered a "List A" document that may be presented by newly hired employees during the employment eligibility verification process to show work authorized status. "List A" documents are those used by employees to prove both identity and work authorization when completing the Form I-9.

For more information on the Form I-9 process, call the USCIS National Customer Service Center at (800) 375-5283 or visit our Website at [www.uscis.gov](http://www.uscis.gov). Information about E-Verify, a free and voluntary program that allows participating employers to electronically verify the employment eligibility of their newly hired employees, can be obtained by visiting our Website at [www.uscis.gov/e-verify](http://www.uscis.gov/e-verify) or by calling (888) 464-4218 ♦

## USCIS Updates Projected Naturalization Processing Times

U.S. Citizenship and Immigration Services (USCIS) continues to make steady progress in reducing the significant number of naturalization applications it received last year. USCIS now anticipates naturalization application processing will average 10-12 months nationally by the end of September 2008 – a substantial improvement from its estimated average processing time of 16-18 months first announced last year.

“USCIS is committed to providing customers with clear expectations and regular updates about the agency’s progress to reduce its backlog,” Acting USCIS Director Jonathan

Scharfen said. “We are working steadily toward achieving our goal of processing all naturalization applications within five months by this time next year.”

During Fiscal Year 2007, USCIS received 1.4 million naturalization applications, nearly double the normal annual volume. In July alone, USCIS received 460,000 applications for naturalization prior to the implementation of its July 30, 2007 fee increase. As a result, average processing times significantly increased.

In response to the surge in applications, USCIS imple-

mented a work plan to reduce the backlog, including implementing an aggressive hiring plan and expanded work hours. As a result of this effort, USCIS anticipates completing more than one million naturalization applications by the end of this fiscal year, including most of the applications received during the summer of 2007.

Last year’s application surge did not impact USCIS offices evenly across the country. Although most offices have already processed cases received during the 2007 filing surge, a handful of offices will have a small percentage of

their 2007 cases pending at the end of Fiscal Year 2008. That will result in processing times longer than the 10-12 month national average. USCIS will continue to shift resources to ensure that all local offices achieve the goal of five month processing times.

USCIS field office projections are listed below. These projections indicate the average time it will take to complete a naturalization case as of the end of September 2008.

Please visit [www.uscis.gov](http://www.uscis.gov) for processing times. ♦

## USCIS Reminds Customers - Use Correct Edition of Form I-765 to Request Employment Authorization

U.S. Citizenship and Immigration Services (USCIS) reminds customers to use the correct version of the Application for Employment Authorization (Form I-765) dated 05/27/08. The edition date appears in the lower right hand corner of the form as “Form I-765 (Rev. 05/27/08) N”.

Submission of an earlier version of Form I-765 may result in rejection of the application. The main purpose of the Form

I-765 is to allow certain aliens in the United States to request employment authorization and an Employment Authorization Document (EAD).

Customers can access Form I-765 and its instruction by selecting the link "I-765, Application for Employment Authorization" in the related links section of this page. The I-765 form can also be accessed by selecting the Immigration Forms tab at the top of this page. ♦



## USCIS Modifies Report of Medical Examination and Vaccination Records

U.S. Citizenship and Immigration Services (USCIS) announced that it has revised Form I-693, Report of Medical Examination and Vaccination Record. The revision was necessitated by changes to the Tuberculosis (TB) Component of the Centers for Disease Control and Prevention’s Technical Instructions for Civil Surgeons.

This revised form (edition date 04/02/08) must be used for any medical examination completed on or after May 1, 2008. Previous editions of the Form I-693 may not be used on or after that date.

The medical examination Form I-693 provides USCIS results of a medical examination for applicants filing for adjustment of status to become permanent residents. The examination is required to ensure that an applicant is not inadmissible to the

United States on public health grounds.

The new form lists seven TB classifications at the bottom of its first page. Civil surgeons must record the results of all medical examinations conducted on or after May 1, 2008, on the new form. Additionally, the current vaccination supplement will not be accepted for any vaccination assessment completed on or after May 1, 2008. An updated vaccination supplement has been included in part 2 of the revised form.

The revised TB Component of the Technical Instructions is available for review at [www.cdc.gov/ncidod/dq/civil.htm](http://www.cdc.gov/ncidod/dq/civil.htm). For more information on the revised Form I-693, visit USCIS’ Website at [www.uscis.gov](http://www.uscis.gov) or call the National Customer Service Center at (800) 375-5283. ♦

## USCIS Reaches H-2B Cap for First Half of Fiscal Year 2009

On July 30, 2008 U.S. Citizenship and Immigration Services (USCIS) has received a sufficient number of petitions to reach the congressionally mandated H-2B cap for the first half of Fiscal Year 2009 (FY2009). USCIS is hereby notifying the public that July 29, 2008 is the "final receipt date" for new H-2B worker petitions requesting employment start dates prior to April 1, 2009. The "final receipt date" is the date on which USCIS determines that it has received enough cap-subject petitions to reach the limit of 33,000 H-2B workers for the first half of FY2009.

USCIS will reject petitions for new H-2B workers seeking employment start dates prior to April 1, 2009 that arrive after July 29, 2008.

USCIS will apply a computer-generated random selection process to all petitions which are subject to the cap and were received on July 29, 2008. USCIS will use this process to select the number of petitions needed to meet the cap. USCIS will reject, and return the fee, for all cap-subject petitions not randomly selected.

Petitions for workers who are currently in H-2B status do not count towards the congressionally mandated bi-annual H-2B cap. USCIS will continue to process petitions filed to:

- Extend the stay of a current H-2B worker in the United States
- Change the terms of employment for current H-2B workers and extend their stay; or
- Allow current H-2B workers to change or add employers and extend their stay.

More information about the H-2B work program is available by calling the National Customer Service Center at 1-800-375-5283 or visit the USCIS website at [www.uscis.gov](http://www.uscis.gov) ♦

### Resource Links on the Web

United States Citizenship & Immigration Services

<http://www.uscis.gov>

U.S. Immigration & Customs Enforcement

<http://www.ice.gov>

U.S. Department of Labor

<http://www.dol.gov>

Department of Homeland Security

<http://www.dhs.gov/index.shtm>

U.S. Embassies, Consulates, & Diplomatic Missions

<http://www.usembassy.gov>

Processing Times

<https://egov.uscis.gov/cris/jsps/ptimes.jsp>

Visa Bulletin

[http://travel.state.gov/visa/frvi/bulletin/bulletin\\_1360.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html)

U.S. Department of Travel

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

U.S. Department of Justice

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

American Immigration Lawyers Association

<http://aila.org/>

## VISA BULLETIN FOR OCTOBER 2008

	All Chargeability Areas Except Those Listed	CHINA Mainland Born	INDIA	MEXICO	PHILIPPINES
<b>Employment Based</b>					
1 <sup>st</sup>	C	C	C	C	C
2 <sup>nd</sup>	C	01Apr04	01Apr03	C	C
3 <sup>rd</sup>	01Jan05	01Oct01	01Jul01	01Jul02	01Jan05
<b>Other Workers</b>	01Jan03	01Jan03	01Jan03	01Jan03	01Jan03
4 <sup>th</sup>	C	C	C	C	C
<b>Certain Religious Workers</b>	C	C	C	C	C
5 <sup>th</sup>	C	C	C	C	C
<b>Targeted Employment Areas Regional Centers</b>	C	C	C	C	C



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