

Froman Law Firm

GetVisas[®] Immigration Update

Vol. 4, No. 1

A Newsletter for Clients

October 2003

Important Issues and New Developments in Immigration Law

New Name: Froman Law Firm

As of October 1, 2003, Froman & Wagner LLP has ceased operations. In its place, Sandra Wagner and I have formed our own separate law firms. Each of us will continue to serve our existing immigration and business clients. **Froman Law Firm** will remain in the same offices and with the same phone numbers as Froman & Wagner through the end of the year. Our new address and numbers will appear in our next newsletter.

The New INS: Bureau of Citizenship and Immigration Services (BCIS), Department of Homeland Security

Earlier this year the responsibility for immigration matters passed to the new Department of Homeland Security. The duties of the former Immigration and Naturalization Service (INS) were divided among several bureaus: the Bureau of Citizenship and Immigration Services (BCIS/USCIS), which handles applications and benefits; the Bureau of Customs and Border Protection (BCBP/USCBP), which includes border inspections and the Border Patrol; and the Bureau of Immigration and Customs Enforcement (BICE/USICE), the investigative arm of the Department. With the name change have come other changes. For status of pending cases, you no longer call the Regional Service Centers. Instead, you must call the toll-free immigration information line, 1-800-375-52 83. You can also check case

status by going to the BCIS Website, "<http://www.immigration.gov>" (see the link on our website at "www.getvisas.com/resources"). Go to the right-hand side of the page and click on "case status." The next page will allow you to select English or Spanish for entering your case number and getting the status report. The new head of BCIS, Eduardo, Aguirre, Jr., spoke to the annual conference of the American Immigration Lawyers Association in June and pledged to improve services and reduce processing times.

H-1B Processing Changes: Get Your Petitions in Early!

Also on October 1, 2003 two major changes occurred in H-1B specialty occupation nonimmigrant visa processing. First, the number of H-1B visas available in fiscal year (FY) 2004 (October 1, 2003 to September 30, 2004) will drop to 65,000, a decrease of almost two-thirds from the 195,000 available the past few years. Such a low cap may mean that H-1B numbers may run out before the end of FY 2004. This could cause significant problems for U.S. businesses and their foreign national employees. Second, the provision authorizing the \$1000 employer surcharge imposed on most H-1B petitions also expired October 1. The surcharge, which funds U.S. worker training programs, generated \$210 million in FY 2001. The government is unlikely to allow such a large revenue stream to lapse. Therefore, expect Congressional action soon to reimpose the surcharge. However, there may be a short period after October 1 in which H-1B petitioners will not have to pay the \$1000 employer surcharge. Solution: apply early!

DV-2005 Visa Lottery: New Procedures: Apply On-Line

The time to apply for the Diversity Visa Lottery for FY 2005 is fast approaching. The State Department is trying a new approach this year by requiring on-line applications. Instructions and links appear on both the Department of State and the BCIS Websites. Here is a summary of instructions:

ENTRIES FOR THE DV-2005 DIVERSITY VISA LOTTERY MUST BE SUBMITTED ELECTRONICALLY BETWEEN SATURDAY, NOVEMBER 1, 2003, AND TUESDAY, DECEMBER 30, 2003. APPLICANTS MAY ACCESS THE ELECTRONIC DIVERSITY VISA ENTRY FORM AT 'WWW.DVLOTTERY.STATE.GOV' DURING THE 60 DAY REGISTRATION PERIOD BEGINNING NOVEMBER 1. PAPER ENTRIES WILL NOT BE ACCEPTED.

Remember, only the residents of certain countries are eligible, and applying to immigrate by the lottery could make it difficult for you to obtain a nonimmigrant visitor or student visa in the future.

Child Status Protection Act and Child Citizenship Act

Two important laws affect the status of children. The Child Citizenship Act of 2000 provides automatic citizenship for the child of a U.S. citizen who becomes a permanent resident before age 18. This includes adopted children and out-of-wedlock children when the mother naturalizes. The new Child Status Protection Act describes different circumstances under which children turning 21 years of age will be treated as under 21 for immigration benefits when an immigrant petition has been filed before their 21st birthday. The provisions are complicated, and they do not apply in every case. If you have a child who is turning 21 within the next year and are in the process of filing for permanent residence, contact me to determine if the Child Status Protection Act will apply to your child.

New Legislation

A number of new bills before Congress could have major effects upon aliens. Among them are proposed legislation to permit high school graduates who came to the United States before age 16 to apply for permanent residence; to extend immigration benefits to permanent partners; to reunify families; and (on the other side) to substantially restrict family and employment immigration options. Look for more action on the proposed immigration legislation as the 2004 Presidential and Congressional Election approaches.

* * * * *

This Newsletter is prepared as a service to our clients. It is not intended as a substitute for professional advice in a given case. We welcome feedback concerning the Newsletter or suggestions for future topics to discuss. Please contact us with your specific questions.

DAVID FROMAN

Please address your correspondence to:

FROMAN LAW FIRM
Immigration and Business Attorneys
4370 LA JOLLA VILLAGE DRIVE, STE 400
SAN DIEGO, CALIFORNIA 92122-1251
PHONE: (858) 546-4700
FAX: (858) 546-4706

Our Missouri office is located at:

3610 BUTTONWOOD DRIVE, SUITE 200
COLUMBIA, MISSOURI 65201
PHONE: (573) 886-8965
FAX: (573) 886-8901
EMAIL: dfroman@getvisas.com
WEBSITE: www.getvisas.com

GetVisas[®] is a registered service mark of the Froman Law Firm representing our Business and Immigration services.