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Employees Going Home for the Holidays...

Foreign national employees working in the U.S. on temporary nonimmigrant visas who intend to leave the U.S. and then return should make sure they bring with them some very important documents, including their Original Form I-797, Notice of Action, which is the U.S. Citizenship and Immigration Service's notice approving their nonimmigrant status (unless they have status under a Blanket L petition); a copy of the approved I-129 petition, including all of its supporting documents, a letter from their current employer confirming their employment, salary and job title (job title should match the I-129 petition); their most recent pay statements from their employer and a passport, valid for at least six months beyond the anticipated time of entry to the U.S. Employees should also verify they have a valid visa in their passport (Canadian nationals are not required to have visas).

If an employee needs to apply for a visa at a U.S. Embassy/Consulate while outside of the U.S., he/she should check with the U.S. Embassy/Consulate as soon as possible for available appointments and the necessary forms, fees and photo requirements. Employees should expect possible delays due to a high volume of applications and required security checks. Employees in the green card process may be able to travel using their Advance Parole documents in lieu of a visa. Employees without Advance Parole who are in the green card process with a pending Form I-485, Application to Adjust Status to Permanent Resident, may be able to travel using a valid visa (if in H or L status) but should also

affirmatively present to U.S. immigration authorities the receipt for the Form I-485.

Immigration and Consular officers always have the discretion to ask for further documents so travel plans should be flexible. [back](#)

Premium Processing Service Reaches Permanent Residency Processing

Recently, the U.S. Citizenship and Immigration Services (USCIS) announced several new categories of immigrant petitions that are eligible for its Premium Processing Service. Under its Premium Processing Service, the USCIS guarantees it will adjudicate a petition within 15 calendar days of receipt for a \$1,000 processing fee. Applicants must file a Form I-907 (Request for Premium Processing Service) in order to request the expedited service.

As of November 13, 2006, the USCIS began accepting immigrant petitions in the Employment Based First Preference (EB-1) visa category, Aliens with Extraordinary Ability, for its Premium Processing Service. Earlier this year, the USCIS began accepting Premium Processing Service requests for immigrant petitions in five other immigrant visa categories: EB-1 Outstanding Professors and Researchers, EB-2 Members of Professions with Advance Degrees or Exceptional Ability *not seeking a National Interest Waiver*, EB-3 Professionals, EB-3 Skilled Workers, and EB-3 Workers other than Skilled Workers and Professionals (unskilled labor requiring less than two years of training or experience). Applicants file for these immigrant visa categories using the Immigrant Petition for Alien Worker (Form I-140). Premium Processing Service is available for these immigrant visa classifications provided the case does not involve:

- A second filing of a Form I-140 petition while an initial Form I-140 remains pending;
- Labor Certification substitution requests; and
- Duplicate Labor Certification requests (e.g., cases filed without an original labor certification from the Department of Labor).

Since 2001, the Premium Processing Service has been available for several nonimmigrant visa classifications using the Petition for Nonimmigrant Worker (Form I-129), including E treaty traders and investors, H-1B specialty occupation workers, H-2B temporary workers performing agricultural services, H-3 trainees, L intracompany transferees, O aliens of extraordinary ability and those performing essential support services, P performers and athletes and those performing essential services, Q international cultural exchange visitors, R religious workers, and NAFTA professionals from Canada and Mexico. Form I-129 petitions for those nonimmigrant worker classifications will continue to be eligible for Premium Processing Service unless the filing period has closed (for example, when the annual cap for a specific visa classification has been reached).

The USCIS has also announced its plan for future Premium Processing eligibility for certain Form I-765 (Application for Employment Authorization) classifications including: EB-1 to EB-5 with pending I-485s (Application to Adjust to Permanent Resident Status) and Form I-539 (Application to Extend/Change Nonimmigrant Status) classifications including: B-1, J-1, J-2, E-1, E-2, H-4, L-2, O-3, P-4, R-2, and TD. The effective date of

Premium Processing Service for such categories has not been determined.

In addition to faster processing, participating applicants may use a dedicated telephone number and e-mail address to check on the status of their applications or to ask questions.

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Scope of Lame Duck Session Is Still Uncertain

The final session of the 109th Congress will reconvene on Tuesday, December 5th; this session could end as early as next Friday or continue through much of December. The length of the session, as well as the prospects for passing immigration measures, will depend upon how Congress decides to handle fiscal 2007 spending legislation. GOP leadership has indicated its unwillingness to have lengthy debates over appropriations bills, and instead hopes to quickly pass a Continuing Resolution to extend low levels of funding into the new year.

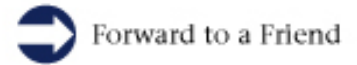
Because any immigration measures would need to be passed as part of an appropriations bill, passing a Continuing Resolution in lieu of any further appropriations work would frustrate attempts by immigration advocates to enact positive immigration provisions - such as H-1B visa and employment-based green card relief - during the lame duck session. To further its initiative to promote immigration reform, in mid-November, immigration advocates delivered a sign-on letter to all members of Congress calling for relief from the restrictive H-1B visa cap and employment-based green card backlogs. This initiative was led by the Advocacy Department of the American Immigration Lawyers Association, the most prominent association of over 9,000 immigration lawyers nationwide. Nearly 900 businesses, schools, hospitals, and other organizations signed on to the letter.

So far, Democrat and Republican appropriators oppose deferral of the spending bills and would prefer to see appropriations legislation completed during December. If these legislators succeed in bringing one or more appropriations bills to the Floor, advocates will still have a chance to push for positive immigration measures. [back](#)

Passports Required for Air Travel to United States as of January 23, 2007

The Departments of State and Homeland Security announced today that the requirement for citizens of the United States, Canada, Mexico, and Bermuda to present a passport to enter the United States when arriving by air from any part of the Western Hemisphere will begin on January 23, 2007. This change in travel document requirements is the result of recommendations made by the 9/11 Commission, which Congress subsequently passed into law in the Intelligence Reform and Terrorism Prevention Act of 2004.

The government has dedicated additional resources and personnel to meet the increased demand for passports generated by these requirements. In Fiscal Year 2006, the government issued a record 12.1 million passports to American citizens, and anticipates issuing 16 million passports in Fiscal Year 2007. U.S. citizens can find information about how to apply for a passport at travel.state.gov or by calling 1-877-487-2778. [back](#)



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