

## Immigration News and Updates

---

June 16, 2004

### **Visa Revalidation**

Due to new biometric requirements on most foreign passports, the visa revalidation option for foreign nationals will no longer be available this fall. As you may know, the Visa Revalidation Division of the U.S. Department of State's Visa Office accepts applications for revalidation of employment category (E, H, I, L, O, and P) visas from applicants who hold a visa of the same category and meet certain other criteria. Revalidation is also called renewal or reissuance and saves the foreign national the trip abroad to renew the nonimmigrant visa stamp in their passport. The U.S. Department of State's Visa Office will no longer be offering this option because they do not have the capacity to process biometrics at that office. As a result, on the yet-to-be-announced effective date of this new policy, the Visa Office will no longer accept applications for visa revalidation and all foreign nationals will be required to seek visa renewal through a U.S. Consulate abroad. The U. S. Department of State's Visa Office will release the cut-off date for submissions in the near future, but we expect the cut-off date for submissions to be sometime in July, 2004.

### **Visa Processing Through U.S. Consulates Abroad**

As of October 1, 2004, all U.S. Consulates abroad will be required to take biometrics (i.e., digital fingerprints) from all nonimmigrant visa and immigrant visa applicants when they appear for their interview. Some consulates have already implemented this practice, and all consulates will be required to implement the biometric requirement for all applicants who are between the ages of 16 and 60 by October 1, 2004. This is part of the U.S. Visit program requirements that were implemented as part of the post-9/11 national security regulations.

### **H-1B1 Visas for Nationals of Chile and Singapore**

Effective January 1, 2004, the U.S. entered into free trade agreements (FTAS) with Chile and Singapore that created a new visa category for professionals from those countries. These FTAS created provisions to allow the temporary entry of businesspersons from Chile and Singapore into the territory of the trading partners to facilitate meaningful trade. Foreign nationals of Chile and Singapore can apply for H-1B1 visas through the U.S. Consulates abroad, and are not required to submit a petition to the Department of Homeland Security's Citizenship and Immigration Services. H-1B1 visas for these foreign nationals will be granted for one-year periods, and are renewable indefinitely as long as the foreign national can demonstrate that she/he does not intend to remain or work permanently in the U.S. The "Temporary Entry Provisions of the Agreements" were cabled out to U.S. Consulates in March, to provide guidance for the issuance of H-1B1 visas.

### **Employment Authorization Documents and Advance Parole/Travel Documents**

The U.S. Citizenship & Immigration Services ("CIS") is considering a more flexible approach in granting validity periods for Employment Authorization Documents (EAD) and for Advance Parole/Travel Documents. EADs and Advance Parole/Travel Documents are granted to applicants for adjustment of status (i.e., applicants for legal permanent residency or the 'Green Card') while their petitions are pending with CIS. Since this process is taking longer than one year, CIS is considering issuing these documents with validity dates of two years or more for those applicants. This consideration will also apply to those spouses of E or L visas who apply for work authorization. CIS will grant new validity periods

Continued

---

depending on the processing times and needs of the particular applicant, on a case-by-case basis. CIS will issue regulations on this new policy within the next several weeks.

Advance Parole or Travel Documents will be issued in passport form, as a booklet instead of a one-page document with photograph. Some CIS Service Centers have already started issuing these new passport-type travel documents for adjustment applicants.

**U.S. Citizenship & Immigration Services Launches "InfoPass" System**

In an effort to improve customer service, U.S. Citizenship & Immigration Services ("CIS") is launching a new internet-based system which allows customers to schedule an appointment online instead of standing in line at local CIS district offices for hours. The pilot program was implemented in California, Florida, and Texas. As a result of the success in the Los Angeles district, Miami district, and Dallas district, CIS is preparing to make the system available at local CIS district offices across the U.S. sometime this summer. To use the internet scheduling system, customers must log onto the InfoPass website at [www.uscis.gov](http://www.uscis.gov) and then type in their zip codes. Once a date is chosen, the system generates an electronic appointment notice that customers must print out and take with them to the local CIS district office.

For more information about this, or other U.S. immigration issues, please contact our Miller Canfield Immigration Practice. This message is for general information only and should not be used as a basis for specific action without obtaining further legal advice.