

Immigration Issues in a New World

The End of INS

ISSUES

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Reorganization of the Immigration and Naturalization Service

On March 1, 2003, INS will be divided into two agencies both under the direction of the Department of Homeland Security. On November 25, 2002 the President signed the Homeland Security Act of 2002. Among other things, the Act establishes a new entity in the place of the Immigration and Naturalization Service. INS will be divided into two bureaus and both bureaus will fall within the Department of Homeland Security. These changes will begin March 1, 2003. The two bureaus replacing INS are the Bureau for Citizenship and Immigration Services (BCIS), and the Bureau of Immigration and Customs Enforcement (BICE).

INS Service Functions

The Bureau of Citizenship and Immigration Services (BCIS) will administer INS services on March 1, 2003. These services will include immigrant and nonimmigrant petitions and applications, adjustment of status, work authorization and other permits, naturalization, and asylum or refugee processing. It is unclear how this reorganization will affect case processing times as well as the quality of adjudications. But this shift will likely result in very significant changes throughout immigration services.

On March 1, 2003, INS will divide into two bureaus: the Bureau of Citizenship and Immigration Services (BCIS) and the Bureau of Immigration and Customs Enforcement (BICE).

INS Enforcement Functions

INS enforcement functions will be performed by the Bureau of Immigration and Customs Enforcement (BICE).¹ BICE will be located within the Bureau of Customs and Border Protection. This Bureau will bring together the enforcement and investigation arms of the Customs Service, the investigative and enforcement functions of Immigration and Naturalization Service and the Federal Protective Services. The reorganization involves approximately 14,000 employees, including 5,500 criminal investigators, 4,000 employees for immigration and deportation services and 1,500 Federal Protective Service personnel that will focus on enforcing immigration and customs inside the United States in addition to protecting certain federal buildings. The air and marine enforcement functions of the Customs Service will also be a part of this bureau.

A new Directorate of Border and Transportation Security (BTS) will be separately responsible for INS border patrol functions. BTS will absorb INS Border Patrol agents and investigators who will join with agents from the U.S. Customs Service, Transportation Security Administration and other enforcement personnel to police US borders.

¹ Under the Homeland Security Act of 2002 these agencies were previously to be the Bureau of Border Security (BBS).

Increased H-1B Complaints with Department of Labor

The US Department of Labor has noticed an increase in H-1B complaints since 2001. This increase tracks an overall deterioration in the information technology employment market.

Why Maintain a Public Access File?

Maintaining a public access file is an integral part of complying with H-1B laws. Public access files as discussed in this article apply only to H-1B workers. Once a public access file compliance regime is established, maintenance is quick and easy. The object is to create a public access file that contains documents that arguably satisfy the minimum legal requirements. Many employers do not maintain public access files at all, and the vast majority does not maintain them properly. And having well maintained public access files can make a dramatic impression in the event of an audit. The regulations directing the maintenance of public access files may be found at 20 CFR 655.760.

The Employment Standards Administration (ESA) – the same Department of Labor (DOL) division that investigates FLSA violations – is charged to audit and investigate violations under the H-1B program as authorized by the Labor Condition Application. Although Department of Labor audits are statistically rare, the public access file is the first contact an ESA investigator has with your company. And first impressions can have an impact on the course of events that may occur during an investigation.

ESA investigators have confirmed “off the record” that occasionally employer audits will begin with an anonymous phone call requesting to see H-1B public access files.

In most cases an ESA investigator will provide three days notice before arriving at the worksite to review public access files. But ESA investigators have confirmed “off the record” that occasionally employer audits will commence by an ESA investigator placing an anonymous phone call to the company requesting to see H-1B public access files. If a company administrator refuses to allow this “anonymous” member of the public to schedule an appointment to see the files, this will constitute the employer’s first investigated violation. Any member of the public is entitled by law to inspect public access files.

Please note that the code sections provided in this memo are for your reference as well as the reference of your company’s employment lawyers, general counsel and anyone else who needs to independently verify these rules.

Tips for Maintaining a Public Access File

Because the public and the Department of Labor have the right to inspect your company's public access files, it is important not to put documents or information in those files that can compromise employ privacy, or result in unnecessary liability or embarrassment for the company.

It is important not to include any document in the public access file unless specifically required.

In short, it is important not to include any document in the public access file unless the law specifically requires you to.

A complete copy of the H-1B petition should not be included in the public access file, nor should company financials, confidential employee information like academic records, employment history, disciplinary reports, or other documentation properly stored in the employee's personnel file. To accomplish this goal each H-1B employee's public access file must be separate from her personnel file.

To further safeguard your employees' privacy you may identify your public access files by number and then store a key list in a private location identifying each number with the appropriate employee. Then you may provide this key to the Department of Labor in the event of an audit to enable the investigator to determine which file belongs to which employee. However, in a public seminar given on August 17, 2001 in San Francisco (and organized by Olender Law Office), Linda Jan Pack, Counsel to DOL's Employment Standards Administration, stated that in her opinion a public access file would not be adequate if it lacked the name of the H-1B employee. This specific issue is addressed neither in the regulations, nor in case law. It is at the employer's discretion whether to identify by name or number.

Checklist of Documents to Include in the Public Access File

The following items are listed under 20 CFR 655.760 as necessary to include in the H-1B public access file:

A copy of the completed labor condition application with instructions (Form ETA-9035 with Form ETA-9035CP – if filed electronically, the employer should retain the original signed LCA in the public access file. 20 CFR 655.760(a)(1);

Documentation showing the wage rate paid to the H-1B worker – meaning the precise wage paid to the H-1B worker in actual salary and not an estimate. 20 CFR 655.760(a)(2);

A full, clear explanation of the system the employer used to set the "actual wage." 20 CFR 655.760(a)(3);

A full, clear explanation of the system the employer used to set the “prevailing wage.”
20 CFR 655.760(a)(4);

Proof of satisfying union/employee notification requirements – for non-union positions
this means the posting notice. 20 CFR 655.760(a)(5);

A summary statement of benefits offered to US workers and H-1B workers.
20 CFR 655.760(a)(5);

Documents to Include in the Public Access File with Examples

1. The Complete Labor Condition Application

Labor condition applications have two portions, (a) ETA-9035E – the five page form that the employer signs, and (b) ETA-9035CP – the ten page form that provides instructions and attestations for the ETA-9035 and ETA-9035E. The public access file should include both forms and this office provides both forms at the time that the H-1B forms package is transmitted by e-mail to the company representative for signatures. Both of these forms are included in the one ‘Labor Condition Application PDF file’ that Olender Law Office sends with each H-1B case. This entire labor condition application of sixteen pages should be posted in two conspicuous locations for ten days and both copies should be stored in your public access file.

Please note that 20 CFR 655.760(a)(1) requires the employer to retain the original signed labor condition application in the public access file where the case was submitted electronically. Olender Law Office only submits labor condition applications electronically, so in every H-1B case, our clients should retain a copy of the entire original signed labor condition application in the public access file. Clients often mistakenly send lawyers the original signed LCA with the other original signed H-1B forms. Please retain the original signed LCA for your public access file and send your lawyer a copy of the LCA with the other original signed H-1B forms. But please note that the LCA is the only form that should be submitted to INS as a copy – all of the other H-1B forms must bear original signatures.

Clients often mistakenly send lawyers the original signed LCA when they should retain it for the public access file and submit a copy to the attorney.

2. A Statement of the H-1B Worker’s Salary or Wage

This requirement is simply for a statement of the H-1B worker’s salary or wage. It is important to specifically list the H-1B worker’s salary or wage and not merely a statement of a salary range or a range of wages that applies to the H-1B worker.

3. An Explanation of the Employer’s Actual Wage System

“Actual wage” is a technical term for the average wage that the employer pays all other individuals with similar experience and qualifications for the specific employment

in question. In determining the wage level, the employer can consider experience, qualifications, education, job responsibility and function, specialized knowledge and other legitimate business factors. The term “actual wage” is defined at 20 CFR 655.731(a)(1).

The employer’s explanation of the actual wage for the public access file will be called the Actual Wage Memo for the purpose of this article. The Actual Wage Memo must include enough information about the employer’s method for calculating the actual wage to provide a “full and clear” explanation. This should at a minimum identify the job that the

The Actual Wage Memo must include enough information about the employer’s method for calculating the actual wage to provide a “full and clear” explanation.

H-1B worker holds and then identify the job title and job level that the H-1B worker falls under due to the job duties and the H-1B worker’s education, experience and other factors.

For example, where a company employs a variety of computer software specialists, it may be possible to divide the jobs for all of these workers into the following titles: software engineer levels 1 and 2, computer programmer levels 1 and 2, and quality assurance engineer levels 1 and 2. Then, by identifying the H-1B worker into one of these categories – for example Quality Assurance engineer Level 1 – it is possible to determine the actual wage for his peers. To do this, take the sum of the annual salary or hourly wage for all of the workers except the H-1B worker in the same position and level as the H-1B worker and divide by the number of other workers. The result is the actual wage:

ABC Company has an H-1B worker who has been hired as a Quality Assurance Engineer Level 2. There are three other Quality Assurance Engineers Level 2 at ABC Company who have similar job duties and a similar level of experience and education as the H-1B worker. These workers’ salaries are: \$64,000, \$51,000, and \$71,000. Here the actual wage is the average of these three numbers ($\$64,000 + \$51,000 + \$71,000 = \$186,000$ and then divide by three to get the average annual salary of \$62,000). So here the actual wage is \$62,000 per year. The employer must pay the higher of the prevailing or actual wage to the H-1B worker, so if this wage is higher than the prevailing wage, the employer must pay this wage.

4. An Explanation of the Employer’s Prevailing Wage System

The Prevailing Wage is the wage survey or State Employment Services Agency wage that represents “the going rate” or the average paid to similarly employed workers in the same geographical area. If this wage is higher than the “actual wage” described in the previous section, then the employer must pay this prevailing wage.

The Prevailing Wage is the “the going rate” or the average paid to similarly employed workers in the same geographical location.

The employer's explanation of the "prevailing wage system" must include a copy of the wage determination itself and a brief statement of the methodology that the wage survey used to obtain the result. The wage should also include a date of publication. The OES wage survey often used by the Employment Development Department includes the most recent date of publication. For a PDF copy of the technical notes for the OES/SOC wages that will satisfy the explanation requirement for positions where the OES/SOC wage was used for the labor condition application, please visit www.usvisa-law.com and choose "H-1B File Maintenance" from the "Employer Compliance" pull down menu at the top of the screen. There is a link to the OES job level rules in Section 4.

5. Proof of Satisfying the Notice Requirements (Posting or Union)

The employer must post the Labor Condition Application in at least two conspicuous locations for at least ten business days. Of course, if the company is audited a year or two after the posting is made, how will you know who posted the notice, where it was posted, or for how long? To solve this problem, you should use a posting form with each H-1B PDF forms package that includes a space to indicate who posted the form, where he posted it, and the dates that it was posted and removed. By retaining a completed posting form for each of the two Labor Condition Applications that you posted, you can rest assured that you will be able to prove to an ESA Investigator that the postings were properly made.

The employer must post the Labor Condition Application in two conspicuous places.

6. The Benefits Statement

Under the American Competitiveness in the Twenty-First Century Act passed in October 2000, H-1B workers must be offered the same benefits as similarly employed US workers except for cases where multinational employers wish to provide their employees with "home country benefits."

To satisfy this requirement, the employer should include a brief statement confirming that all employees are provided with the same benefits and provide a summary of what those benefits are. Or if similarly employed workers are provided with the same benefits regardless of immigration status, then state this and provide a summary of the benefits offered.

Sample Compliance Memos and Statements

Sample Actual Wage Memo

ACTUAL WAGE MEMO

Subject Position: Software Engineer I

ABC Company employs four Software Engineers Level I with similar job duties and with somewhat similar educational and experience backgrounds. To ascertain the actual wage for this position, we added the salaries of all four workers and then divided by four – the number of workers – to arrive at the mean wage that ABC Company pays for this position.

Sample Proof of Prevailing Wage System

Include a copy of the wage determination print out, and a copy of the methodology of the wage survey being used – in most cases this will be the Bureau of Labor Statistics Occupational Employment Survey. For the OES survey's methodology and technical notes for inclusion in your public access file, please visit www.usvisa-law.com and choose "H-1B File Maintenance" from the "Employer Compliance" pull down menu at the top of the screen.

Sample Proof of Posting

Include a copy in the public access file of the two posting notice forms confirming the dates and locations of both LCA postings. But please remember that some union positions governed by collective bargaining agreements and other contracts will require that the union representative be notified in a different manner. If you are posting for a union position, please call us for additional instructions.

Sample Benefits Statement

BENEFITS STATEMENT

ABC Company offers all employees HMO health insurance. This insurance pays 100% of doctor visits with a \$20 co-payment required for each visit and pays 90% of hospital bills. Our plan does not include dental insurance. ABC Company also offers a 401K retirement plan with company matching funds. All of our H-1B workers are offered the same benefits as our US citizen and permanent resident workers.

Special Registration

As of January 31, 2003 the nationals and citizens of 25 countries are subject to Special Registration. Because the list of countries designated by the Attorney General for Special Registration continues to grow, it is likely that at least some of your employees will be affected by Special Registration at some time in the future.

Special Registration does not apply to permanent residents or those who were paroled into the United States... the nationals and citizens of 25 countries are subject to Special Registration.

Special Registration is a program instituted by the US Justice Department to track the citizens and nationals of certain countries while they are inside of the United States *on temporary visas*. *Special Registration does not apply to permanent residents or to those who were paroled into the United States*. Special Registration applies only to nonimmigrants – those in temporary status. Special Registration includes a system of in person interviews at INS offices and ports of entry, call-in interviews, and the requirement that aliens subject to special registration use designated ports and report in person to an INS officer when departing the United States. This program applies to male citizens and nationals age 16 and older of designated countries. Special Registration only applies to those who arrived in the United States before September 30, 2002. Those arriving after that date are registered upon entry.

Dual citizenship does not appear to remove an alien from Special Registration requirements. The government of Canada recently issued warnings to Canadian

Special Registration has so far drawn in more than 24,000 registrants. Of these 1,169 were forcibly detained.

citizens holding dual citizenship with Canada and any Islamic country that is or may be subject to Special Registration. The Justice Department had maintained

that dual citizenship would not under any circumstances exempt an alien from registration, but after considerable political pressure from Canada, this policy was ended, but it remains unclear whether the new policy exempts only dual citizens who hold Canadian citizenship.² Case law suggests that a dual national will be considered a national *only* of the country under whose passport he or she enters the United States,³ but it remains to be seen whether the Attorney General will issue rules contrary to that decision.

Special Registration has so far drawn in more than 24,000 registrants. Of these 1,169 were forcibly detained. As of January 14, 2003, 2,477 of those who appeared for registration had been issued Notices to Appear – the initial step in removal proceedings – mostly due to immigration violations including overstaying temporary visas.⁴ Kris Kobach, counsel to Attorney General John Ashcroft has claimed that this program has resulted in the arrest of three suspected terrorists, although he refused to provide details.⁵

How does special registration affect your company? If you have employees who are citizens or nationals of designated countries and those employees fail to register, they will likely be deported at some time in the future. It is therefore very important to inform your employees of these requirements and encourage them to register. Additionally, there is at least the potential for employment lawsuits against companies who do not notify their employees of Special Registration

² *Tougher Border Checks Anger Ottawa*, Jeff Sallot and Shawn McCarthy, The Globe and Mail, Friday November 1, 2002.

³ *Matter of Ognibene*, 18 I&N Dec. 425 (R.C. 1983)

⁴ *24,000 Register with INS*, Patrick J. McDonnell, Los Angeles Times, Sunday January 19, 2003.

⁵ *Id.*

requirements, since it is the employer who customarily retains immigration counsel and administers the visa petition process.

Penalties for failing to register can be severe. When an alien violates the terms of special registration and then seeks to reenter, that alien can reasonably be seen as attempting to reenter for the purpose of engaging in "unlawful activity."⁶ INS may then exclude the alien in the future based on this "unlawful activity", even for the mere inadvertent failure to report to an INS officer upon timely departing the United States under the terms of a valid visa.

**Penalties for failing to register can be severe.
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As of this writing, a total of four groups of countries have been designated by the Attorney General for Special Registration. These groups are listed below. Attached to this handout is an addendum with each of the four Special Registration notices so far issued by the Justice Department, a sample AR-11 SR change of address/employer/school form for Special Registrants, and a list of US ports through which Special Registrants may depart the United States.

Group 1 Countries	Extended Registration Period
Iran, Iraq, Libya, Sudan, and Syria	January 27, 2003 to February 7, 2003
Group 2 Countries	Extended Registration Period
Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, UAE, and Yemen	January 27, 2003 to February 7, 2003
Group 3 Countries	Registration Period
Pakistan, and Saudi Arabia	January 13, 2003 to February 21, 2003
Group 4 Countries	Registration Period
Bangladesh, Egypt, Indonesia, Jordan, and Kuwait	February 24, 2003 to March 28, 2003

⁶ Immigration and Nationality Act section 212(a)(3)(A)(ii).

H-1B Cap to Return to 65,000 Per Year

The American Competitiveness in the 21st Century Act increased the H-1B cap to 195,000 for fiscal years 2000 through 2003, then returning the cap to 65,000 in fiscal year 2004. For INS fiscal year 2004 begins on October 1, 2003. Congress is not expected to increase the H-1B cap due to political pressure during a period of slow economic growth. However, the significant reduction in initial H-1B filings and H-1B change of status petitions may not exceed this lower cap. H-1B extensions and change of employer petitions are not subject to the annual H-1B cap. Only *first time* petitions where the beneficiary has not held H-1B status before, or where at least one year has elapsed since the beneficiary has been inside of the United States. Initial filings are most commonly changes from another status to H-1B status, or where the beneficiary is outside the United States.

The H-1B cap will revert to 65,000 per year beginning fiscal year 2004, which begins on October 1, 2003. The H-1B cap only applies to those who “new applications” and not extensions and changes of employer.

Fee Reductions at INS

Effective January 24, 2003, INS filing fees will be reduced an average of 25 percent.⁷ Section 457 of the Homeland Security Act of 2002 removed the statutory authority to subsidize the cost of asylum and refugee applications and fee waivers by surcharging all other applications. INS had instituted the surcharges on January 15, 1999 to fund asylum and refugee applications and other applications processed at no charge to applicants and petitioners. Because Congress provided no alternative funding, INS believes that its ability to process asylum and refugee applications will be significantly impaired.

The fee reductions affect virtually all fee-based applications and petitions, but only corporate immigration-related application fees are listed below. ***Knowledge of these fee reductions is important because petitions filed with the incorrect fee will be rejected.***

<i>Form</i>	<i>Description</i>	<i>New Fee</i>	<i>Old Fee</i>	<i>Change</i>
I-129	Petition for A Nonimmigrant Worker	96	130	(34)
I-90	Application to Replace Permanent Resident Card	95	130	(35)
I-131	Application for Travel Document	80	110	(30)
I-140	Immigrant Petition for Alien Worker	99	135	(36)

⁷ This reduction does not apply to the \$1,000 training fee for H-1B petitions, nor does it apply to I-907 premium processing fees. The base fee for H-1B petitions is now reduced to \$1,096 from the previous \$1,130.

I-485	Application to Register Permanent Residence or to Adjust Status	186	255	(69)
I-765	Application for Employment Authorization	88	120	(32)
N-400	Application for Naturalization	188	260	(72)

Informing INS within 10 Days of an Address Change

Since 1952 Section 262(a) of the Immigration and Nationality Act has required that aliens notify INS of address changes within 10 days. But this provision has never been seriously enforced and was virtually unknown before recent events. Section 262(a) of the Act requires that virtually every alien over the age of 14 who remains in the United States for more than 30 days must register with the Service. Section 265(a) of the Act requires that every alien who is required to register must provide the Attorney General with each change of address and new address within 10 days from the date of such change of address.

A willful failure to register with the Service is punishable by imprisonment for not more than 6 months and a fine of not more than \$1,000, or both, under section 266(a) of the Act. Section 266(b) of the Act provides that an alien who fails to give written notice of a change of address may be fined not to exceed \$200, or imprisoned

Failure to file a change of address may also put the alien at risk of being placed in removal proceedings and ordered removed in absentia.

for not more than 30 days, or both. This section also provides that the alien shall be taken into custody and removed from the United States through removal proceedings.

Failure to file a change of address may also put the alien at risk of being placed in removal proceedings and ordered removed in absentia under section 240(b)(5) of the Act if the alien fails to appear at a scheduled hearing.

Spouses of E and L Visa Holders May Work Without Restriction

Effective January 16, 2002, the spouses of E and L visa holders may work without restriction. However, employers are not permitted to add these workers to payroll without a valid Employment Authorization Document (EAD). This may cause some confusion because E and L visa holders are permitted to work without work authorization cards. However, employers failing to make this distinction may be deemed to be illegally employing foreign workers and subject to the penalties under Immigration and Nationality Act Section 274A.

Spouses of E and L visa holders may apply for an EAD card by filing form I-765 with the INS Service Center with jurisdiction over the spouse's place of residence. While the Service Centers are currently taking five months and longer to process EAD applications, current rules allow the EAD applicant to visit his or

her local INS district office in person with the receipt notice 90 days after an INS Service Center receives the case. At that time, the district office should issue an interim EAD card allowing the spouse to work until the other card arrives.

Employment authorized under this section is “open market” meaning that the EAD holder may work for any employer and may work any desired hours.

Nurses without State License Eligible for Greencard Processing

A curious catch-22 had prevented many foreign nurses present in the United States from obtaining greencards under the Department of Labor’s Schedule A list of occupations that does not require a labor certification. INS regulations require that an employer seeking a Schedule A-based I-140 petition for a nurse show that the nurse either passed the CGFNS VisaScreen, or has a full and unrestricted license to practice nursing in the state of intended employment.⁸ A federal law seeking to find parents delinquent on child support payments authorized the states to pass laws requiring applicants for state professional licensure of any kind to provide social security numbers for entry into a national database. A majority of states including California enacted laws implementing this program. These laws do not allow applicants to provide the more easily obtained Individual Taxpayer Identification Number.

Many foreign nurses come to the United States on tourist visas to take state licensure examinations. Most are shocked to learn that they cannot obtain state licensure without providing a social security number. And the Social Security Administration will only issue social security numbers to those with INS work authorization, a student visa, or in some other limited circumstances. This leaves many foreign nurses with a catch-22: they cannot obtain state licensure without a social security number, and they cannot obtain a social security number without a greencard, but they cannot obtain a greencard without state licensure.

If nurses have passed the state licensure exam and are eligible for full state licensure but for an inability to obtain a Social Security number, INS will not deny the case solely on this issue.

The INS Office of Adjudications finally issued a memo on December 20, 2002 confirming that it will approve I-140 petitions for nurses if they have passed the state licensure exam and are otherwise eligible for full state licensure, but for the inability to provide a social security number.

Schedule A greencard processing allows nurses to avoid labor certification. This means that a nurse can receive a greencard and full work authorization in as little as four to six months. Any employer may sponsor a nurse for a greencard under this program provided that the position to be filled is permanent and not

⁸ 8 CFR 656.22(c)(2)

temporary. However, the term *permanent* does not alter the employment-at-will rules of any state and a sponsored nurse may still be terminated. Permanent employment only means that the employer *intends* to permanently employ the nurse and that the position is not one that is scheduled to be temporary at the time of the application.

INS Launches Online Case Status Inquiry System

In late 2002, INS implemented a new online case status database that allows interested persons to obtain the same case information online that they had previously been able to obtain only via an automated telephone system called INS Direct. The improvement is significant because the various numbers to INS Direct for each service center were customarily busy and hours were required to get through on weekdays. The URL for this new service is:

<https://egov.ins.usdoj.gov/graphics/cris/jsps/caseStat.jsp>

Only the case number is required to use the system – it may be found on the top left corner of the INS receipt notice. Should INS fail to send a receipt notice, the case number will also be printed on the back of the deposited filing fee check. Please note that the processing dates provided on this system are highly inaccurate and fluctuate monthly. The printed times on receipt notices remain the same for years. For current processing times, visit www.usvisa-law.com.



Screenshot of the New INS Online Case Status System

Federal Indictments Against INS Officers for Shredding Cases

On Wednesday January 29, 2003, a federal grand jury indicted INS workers Dawn Randall and Leonel Salazar on charges of conspiracy and willfully destroying documents. To eliminate a backlog, the two employees of the INS

Two INS managers were indicted on January 29, 2003 for allegedly destroyed as many as 90,000 documents in an effort to reduce a backlog at Laguna Niguel.

California Service Center allegedly destroyed as many as 90,000 documents including applications for asylum, citizenship, visas and

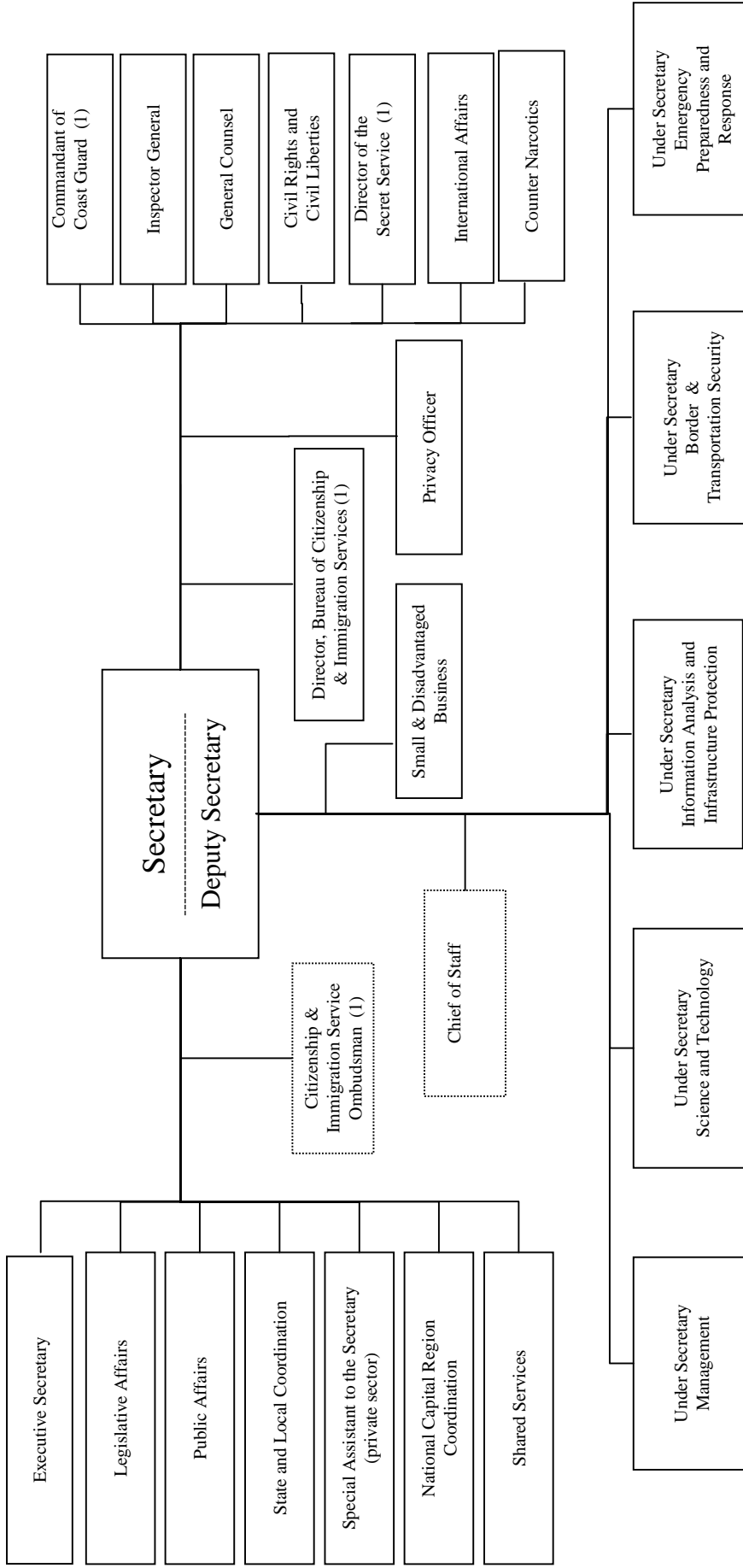
work permits, and supporting documents including passports and birth and marriage certificates. The California Service Center processes applications for persons and employers in Arizona, California, Nevada, Hawaii and Guam.

The indictment alleges that Randall, a file room manager, ordered Salazar, a supervisor, and others to shred unprocessed documents last February after the backlog reached about 90,000. INS did not discover these activities and stop them until April 4, 2002.⁹

⁹ *I.N.S. Shredder Ended Work Backlog, U.S. Says*, John M. Broder, New York Times January 31, 2003.

New Department of Homeland Security Organizational Chart

Department of Homeland Security



Note (1): Effective March 1st, 2003

Sample AR-11 Form

Alien's Change of Address Card

NAME (Last in CAPS) (First) (Middle) I AM IN THE UNITED STATES AS:
 Visitor Permanent Resident
 Student Other (Specify)

COUNTRY OF CITIZENSHIP DATE OF BIRTH COPY NUMBER FROM ALIEN CARD



PRESENT ADDRESS (Street or Rural Route) (City or Post Office) (State) (ZIP Code)

(IF ABOVE ADDRESS IS TEMPORARY) I expect to remain there ___ years ___ months

LAST ADDRESS (Street or Rural Route) (City or Post Office) (State) (ZIP Code)

I WORK FOR OR ATTEND SCHOOL AT: (Employer's Name or Name of School)
(Street Address or Rural Route) (City or Post Office) (State) (ZIP Code)

PORT OF ENTRY INTO U.S.	DATE OF ENTRY INTO U.S.	IF NOT A PERMANENT RESIDENT, MY STAY IN THE U.S. EXPIRES ON: (Date)
SIGNATURE	DATE	

AR-11 (Rev. 11/07/02)Y

ALIEN'S CHANGE OF ADDRESS CARD

This card is to be used by all aliens to report change of address within 10 days of such change.
The collection of this information is required by Section 265 of the I&N Act (8 U.S.C. 1305). The data used by the Immigration and Naturalization Service for statistical and record purposes and may be furnished to federal, state, local and foreign law enforcement officials. Failure to report is punishable by fine or imprisonment and/or deportation.

This card is not evidence of identity, age, or status claimed.

Public Reporting Burden. Under the Paperwork Reduction Act, an agency may not conduct or sponsor an information collection and a person is not required to respond to an information collection unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. This collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including for reducing this burden to: Immigration and Naturalization Service, 425 I Street, N.W., Room 4034, Washington, DC 20536; OMB No. 1115-0003. **Do not mail your completed form to this address. MAIL YOUR FORM TO THE ADDRESSES SHOWN BELOW:**

For regular US Postal Service:
U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Change of Address
P.O. Box 7134
London, KY 40742-7134

For overnight mailings, only:
U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Change of Address
1084-I South Laurel Road
London, KY 40744

Sample AR-11 SR Form

Alien's Change of Address Card

NAME (Last in CAPS) (First) (Middle) I AM IN THE UNITED STATES AS:
 Visitor Permanent Resident
 Student Other (Specify)

COUNTRY OF CITIZENSHIP DATE OF BIRTH COPY NUMBER FROM ALIEN CARD



PRESENT ADDRESS (Street or Rural Route) (City or Post Office) (State) (ZIP Code)

(IF ABOVE ADDRESS IS TEMPORARY) I expect to remain there ___ years ___ months

LAST ADDRESS (Street or Rural Route) (City or Post Office) (State) (ZIP Code)

I WORK FOR OR ATTEND SCHOOL AT: (Employer's Name or Name of School)
(Street Address or Rural Route) (City or Post Office) (State) (ZIP Code)

PORT OF ENTRY INTO U.S.	DATE OF ENTRY INTO U.S.	IF NOT A PERMANENT RESIDENT, MY STAY IN THE U.S. EXPIRES ON: (Date)
SIGNATURE	DATE	

FINGERPRINT IDENTIFICATION NUMBER (FIN):
----- AR-11 SR (Rev. 11-15-02)Y

**SPECIAL REGISTRATION
ALIEN'S CHANGE OF ADDRESS CARD**

This card is to be used by all aliens to report change of address within 10 days of such change.
The collection of this information is required by Section 265 of the I&N Act (8 U.S.C. 1305). The data used by the Immigration and Naturalization Service for statistical and record purposes and may be furnished to federal, state, local and foreign law enforcement officials. Failure to report is punishable by fine or imprisonment and/or deportation.

This card is not evidence of identity, age, or status claimed.

Public Reporting Burden. Under the Paperwork Reduction Act, an agency may not conduct or sponsor an information collection and a person is not required to respond to an information collection unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. This collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including for reducing this burden to: Immigration and Naturalization Service, 425 I Street, N.W., Room 4034, Washington, DC 20536; OMB No. 1115-0003. **Do not mail your completed form to this address. MAIL YOUR FORM TO THE ADDRESS SHOWN BELOW:**

For regular US Postal Service :
U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Change of Address - Special Registration
P.O. Box 7134
London, KY 40742-7134

For overnight mailings only:
U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Change of Address - Special Registration
1084-I South Laurel Road
London, KY 40744

INS Memo 12-2002 Allowing No License Nurse I-140s

**U.S. Department of Justice
Immigration and Naturalization Service**

HQ 70/6.1.3

*425 I Street NW
Washington, DC 20536*

DEC 20 2002

**MEMORANDUM FOR REGIONAL DIRECTORS
DISTRICT DIRECTORS
OFFICERS-IN-CHARGE
SERVICE CENTER DIRECTORS
DIRECTOR, ADMINISTRATIVE APPEALS OFFICE**



FROM: Thomas E. Cook
Acting Assistant Commissioner
Office of Adjudications

SUBJECT: Adjudication of Form I-140 Petitions for Schedule-A Nurses Temporarily Unable to Obtain Social Security Cards

This memorandum addresses the adjudication of I-140 petitions filed on behalf of schedule A nurses and is being issued pursuant to formal written guidance to the Service from the U.S. Department of Labor (DOL) Employment and Training Administration. The guidance from DOL authorizes employers to receive a schedule A labor certification on behalf of a nurse, if the nurse has successfully passed the National Council Licensure Examination for Registered Nurses (NCLEX-RN) examination *in lieu* of either having passed the Commission on Graduates of Foreign Schools (CGFNS) examination or being in possession of a full and unrestricted (permanent) license to practice nursing in the state of intended employment.

Background:

In the past, in order for an I-140 petition to be approved for a schedule A nurse, the nurse must have either (1) passed the Commission on Graduates of Foreign Nursing Schools (CGFNS) examination or (2) hold a full and unrestricted (permanent) license to practice nursing in the State of intended employment. However, many states license foreign nurses to practice nursing in the state not withstanding the fact that the nurse has not taken the CGFNS examination,

Memorandum for all Regional Directors
Subject: Adjudication of Form I-140 Petitions for Registered Nurses Temporarily
Unable to Obtain Social Security Cards

Page 2

provided that the nurse has passed the National Council Licensure Examination for Registered Nurses (NCLEX-RN), a state licensing examination. Upon passage of the NCLEX-RN examination and prior to issuance of the state license, states may require proof of a social security number (SSN), submission of fingerprints, proof of a local residence, and other requirements that cannot be satisfied from abroad.

At present the NCLEX-RN examination can only be taken in the United States. Many of the foreign nurses who take the NCLEX-RN examination in the United States are admitted in a nonimmigrant classification (e.g., B-2 visitor for pleasure) that does not allow the foreign nurse to obtain a SSN required for licensure by the state. In such cases, the common practice is for the state nursing board to issue a letter to the nurse informing him or her that because he or she has passed the NCLEX-RN examination, the nurse will be granted a license to practice nursing in that state upon obtaining and submitting a valid SSN.

However, the Social Security Administration (SSA) will not issue a SSN to the alien in this situation without proof of employment authorization issued by the Immigration and Naturalization Service (the Service). A foreign nurse who has been temporarily admitted into the U.S. as a nonimmigrant (e.g., in B-2 status to sit for the NCLEX-RN exam) may not be authorized to work pursuant to his or her nonimmigrant status. Even in the case of an I-485 application concurrently filed together with an I-140 petition, a foreign nurse cannot obtain a valid SSN until he or she obtains an accepted form of employment authorization issued by the Service. Without an SSN, a nurse cannot obtain and present evidence of having been issued a full and unrestricted (permanent) state license for purposes of schedule A labor certification a requisite for approval of the I-140 petition.

Previously, the I-140 petition could not be approved for a foreign nurse admitted into the U.S. who had not taken the CGFNS examination or lacked evidence of actually being in possession of a full and unrestricted (permanent) state nursing license. This was because DOL regulations and policy did not extend eligibility for a schedule A labor certification to such individuals. However, on October 2, 2002, DOL advised the Service that, in adjudicating EB-3 petitions on behalf of nurses, the Service may also accept documentation that the alien beneficiary has passed the NCLEX-RN examination as eligibility for a schedule A labor certification. The DOL advises the Service that it will pursue conforming amendments to its regulations at 20 CFR 656.22(c)(2).

Guidance for Adjudication of an I-140 petition for a foreign nurse:

Provided that all other requirements applicable to the petition are met, this memorandum instructs all Service Centers to favorably consider the I-140 petition for a foreign nurse, as being eligible for a schedule A labor certification, upon presentation of a certified copy of a letter from the state of intended employment which confirms that the alien has passed the NCLEX-RN examination and is eligible to be issued a license to practice nursing in that state.

Memorandum for all Regional Directors

Page 3

Subject: Adjudication of Form I-140 Petitions for Registered Nurses Temporarily

The instruction in this guidance affects the adjudication of I-140 petitions only and makes no change to the requirements for adjustment of status or an immigrant visa. Aliens seeking adjustment of status or an immigrant visa under INA 203(b)(3) as a nurse must meet the requirements of INA 212(a)(5)(C) or 212(r).

Officers with questions about this guidance or the provisions of the DOL advisory may contact either Joe Holliday, HQISD, or Morrie Berez, HQADN, via ccMail, through appropriate channels.

Special Registration Group 1 Extension



REOPENING OF REGISTRATION PERIOD FOR CERTAIN NONIMMIGRANTS (January 27- February 7, 2003)

(Call-In Group 1 Grace Period, Federal Register Notice – January 16, 2003)

IF YOU ARE A CITIZEN OR NATIONAL OF IRAN, IRAQ, LIBYA, SUDAN, OR SYRIA

- And you were last admitted to the United States as a nonimmigrant on or before September 10, 2002; and
- If you are a male, born on or before November 15, 1986; and
- If you did not apply for asylum on or before November 6, 2002, or if you are not otherwise exempt as described in the attached questions and answers; and
- If you remained in the United States at least until December 16, 2002: and
- You were required to register with INS between November 15, 2002 and December 16, 2002 and you did not register during that timeframe.

WHAT YOU NEED TO DO

1. You must come to a designated INS office to be registered (photographed, fingerprinted, and interviewed under oath) between **January 27 and February 7, 2003**.
2. If you remain in the United States for more than 1 additional year, you must report back to a designated INS office within 10 days of the anniversary of the date on which you first registered. For example, if you were registered November 20, 2002, you would report back between November 10 and November 30, 2003.
3. If you change your address, employment, or educational institution, you must notify INS in writing within 10 days of the change, using Form AR-11 SR.
4. If you leave the United States, you must appear in person before an INS inspecting officer at one of the designated ports of departure and leave the United States from that port on the same day.

IT IS VITAL THAT YOU COMPLY

If you do not follow these procedures, you may be considered to be out of status and deportable. You may be subject to arrest, detention, fines and/or removal from the United States. Any future application for an immigration benefit from the United States may be adversely impacted. If you do not properly exit through a designated port, any future attempts to reenter the United States may be impacted. Decisions will be made on an individual basis, depending on the circumstances of each case.

Special Registration Group 2 Extension



REOPENING OF REGISTRATION PERIOD FOR CERTAIN NONIMMIGRANTS (January 27- February 7, 2003)

(Call-In Group 2 Grace Period, Federal Register Notice – January 16, 2003)

IF YOU ARE A CITIZEN OR NATIONAL OF AFGHANISTAN, ALGERIA, BAHRAIN, ERITREA, LEBANON, MOROCCO, NORTH KOREA, OMAN, QATAR, SOMALIA, TUNISIA, UNITED ARAB EMIRATES, OR YEMEN

- And you were last admitted to the United States as a nonimmigrant on or before September 30, 2002; and
- If you are a male, born on or before December 2, 1986; and
- If you did not apply for asylum on or before November 22, 2002, or if you are not otherwise exempt as described in the attached questions and answers; and
- If you remained in the United States at least until January 10, 2003; and
- You were required to register with INS between December 2, 2002 and January 10, 2003 and you did not register during that timeframe

WHAT YOU NEED TO DO

1. You must come to a designated INS office to be registered (photographed, fingerprinted, and interviewed under oath) between **January 27 and February 7, 2003**.
2. If you remain in the United States for more than 1 additional year, you must report back to a designated INS office within 10 days of the anniversary of the date on which you first registered. For example, if you were registered November 20, 2002, you would report back between November 10 and November 30, 2003.
3. If you change your address, employment, or educational institution, you must notify INS in writing within 10 days of the change, using Form AR-11 SR.
4. If you leave the United States, you must appear in person before an INS inspecting officer at one of the designated ports of departure and leave the United States from that port on the same day.

IT IS VITAL THAT YOU COMPLY

If you do not follow these procedures, you may be considered to be out of status and deportable. You may be subject to arrest, detention, fines and/or removal from the United States. Any future application for an immigration benefit from the United States may be adversely impacted. If you do not properly exit through a designated port, any future attempts to reenter the United States may be impacted. Decisions will be made on an individual basis, depending on the circumstances of each case.

Special Registration Group 3 Notice



SPECIAL CALL-IN REGISTRATION PROCEDURES FOR CERTAIN NONIMMIGRANTS

(Call-In Group 3, Federal Register Notice – December 18, 2002)

THIS NOTICE IS FOR YOU

- If you are a national or citizen of **Pakistan or Saudi Arabia** and were inspected by the Immigration and Naturalization Service and last admitted to the United States as a nonimmigrant on or before September 30, 2002; and
- If you are a male, born on or before January 13, 1987, and
- If you did not have an application for asylum pending on December 18, 2002, or if you are not otherwise exempt as described in the attached questions and answers; and
- If you will be in the United States at least until February 21, 2003.

WHAT YOU NEED TO DO

1. You must come to a designated INS office to be registered (photographed, fingerprinted, and interviewed under oath) between **January 13, 2003 and February 21, 2003**.
2. If you remain in the United States for more than 1 additional year, you must report back to a designated INS office within 10 days of the anniversary of the date on which you first registered. For example, if you were registered January 20, 2003, you would report back between January 10 and January 30, 2004.
3. If you change your address, employment, or educational institution, you must notify the INS in writing within 10 days of the change, using Form AR-11 SR.
4. If you leave the United States, you must appear in person before an INS inspecting officer at one of the designated ports and leave the United States from that port on the same day.

IT IS VITAL THAT YOU COMPLY

If you do not follow these procedures, you may be considered to be out of status and deportable. You may be subject to arrest, detention, fines and/or removal from the United States. Any future application for an immigration benefit from the United States may be adversely impacted. If you do not properly exit through a designated port, any future attempts to reenter the United States may be impacted. Decisions will be made on an individual basis, depending on the circumstances of each case.

Special Registration Group 4 Notice



SPECIAL CALL-IN REGISTRATION PROCEDURES FOR CERTAIN NONIMMIGRANTS

(Call-In Group 4, Federal Register Notice – January 16, 2003)

THIS NOTICE IS FOR YOU

- If you are a national or citizen of **Bangladesh, Egypt, Indonesia, Jordan, or Kuwait** and were inspected by the Immigration and Naturalization Service and last admitted to the United States as a nonimmigrant on or before September 30, 2002; and
- If you are a male, born on or before February 24, 1987, and
- If you did not have an application for asylum pending on January 16, 2003, or if you are not otherwise exempt as described in the attached questions and answers; and
- If you will be in the United States at least until March 28, 2003.

WHAT YOU NEED TO DO

1. You must come to a designated INS office to be registered (photographed, fingerprinted, and interviewed under oath) between **February 24, 2003 and March 28, 2003**.
2. If you remain in the United States for more than 1 additional year, you must report back to a designated INS office within 10 days of the anniversary of the date on which you first registered. For example, if you were registered March 20, 2003, you would report back between March 10 and March 30, 2004.
3. If you change your address, employment, or educational institution, you must notify the INS in writing within 10 days of the change, using Form AR-11 SR.
4. If you leave the United States, you must appear in person before an INS inspecting officer at one of the designated ports and leave the United States from that port on the same day.

IT IS VITAL THAT YOU COMPLY

If you do not follow these procedures, you may be considered to be out of status and deportable. You may be subject to arrest, detention, fines and/or removal from the United States. Any future application for an immigration benefit from the United States may be adversely impacted. If you do not properly exit through a designated port, any future attempts to reenter the United States may be impacted. Decisions will be made on an individual basis, depending on the circumstances of each case.

Designated INS Offices for Special Registration

LISTING OF DESIGNATED INS INTERVIEWING OFFICES FOR SPECIAL REGISTRATION

ALASKA - Anchorage 620 East 10 th Avenue Anchorage, Alaska 99501	FLORIDA - Tampa 5524 West Cypress Street Tampa, Florida 33607-1708	MISSOURI - Kansas City 9747 Northwest Conant Avenue Kansas City, Missouri 64153
ARIZONA - Phoenix 2035 North Central Avenue Phoenix, Arizona 85004	FLORIDA - West Palm Beach 326 Fern Street West Palm Beach, Florida 33401	MISSOURI - St. Louis 1222 Spruce Street St. Louis, Missouri 63103
ARIZONA - Tucson 6431 South Country Club Road Tucson, Arizona 85706-5907	GEORGIA - Atlanta 77 Forsyth Street, SW Atlanta, Georgia 30303	MONTANA - Helena 2800 Skyway Drive Helena, Montana 59601
ARKANSAS - Fort Smith 4991 Old Greenwood Road Fort Smith, Arkansas 72903	GUAM - Agana Siena Plaza, Suite 100 108 Hernan Cortez Avenue Hagatna, Guam 96910	NEBRASKA - Omaha 3736 South 132 nd Street Omaha, Nebraska 68144
CALIFORNIA - Fresno 865 Fulton Mall Fresno, California 93721	HAWAII - Honolulu 595 Ala Moana Boulevard Honolulu, Hawaii 96813	NEVADA - Las Vegas 3373 Pepper Lane Las Vegas, NV 89120-2739
CALIFORNIA - Los Angeles 300 North Los Angeles Street Room 2024 Los Angeles, California 90012	IDAHO - Boise 1185 South Vinnell Way Boise, Idaho 83709	NEVADA - Reno 1352 Corporate Boulevard Reno, Nevada 85902
CALIFORNIA - Sacramento 650 Capitol Mall Sacramento, CA 95814	ILLINOIS - Chicago 230 South Dearborn, 2 nd Floor Chicago, Illinois 60604	NEW HAMPSHIRE - Manchester 803 Canal Street Manchester, New Hampshire 03101
CALIFORNIA - San Bernardino 655 West Rialto Avenue San Bernardino, California 92410	INDIANA - Indianapolis 950 N. Meridian Street, Room 400 Indianapolis, Indiana 46204	NEW JERSEY - Cherry Hill 1886 Greentree Road Cherry Hill, New Jersey 08003
CALIFORNIA - San Diego 880 Front Street, Suite 1209 San Diego, California 92101	IOWA - Des Moines 210 Walnut Street, Room 369 Des Moines, Iowa 50309	NEW JERSEY - Newark 970 Broad Street Newark, New Jersey 07102
CALIFORNIA - San Francisco 444 Washington Street San Francisco, California 94111	KANSAS - Wichita 271 West 3rd Street North, Suite 1050 Wichita, Kansas 67202-1212	NEW MEXICO - Albuquerque 1720 Randolph Road SE Albuquerque, New Mexico 87106
CALIFORNIA - San Jose 1887 Monterey Road San Jose, California 95112	KENTUCKY - Louisville 601 West Broadway, Room 390 Louisville, Kentucky 40202	NEW YORK - Albany 1086 Troy-Schenectady Road Latham, New York 12110
CALIFORNIA - Santa Ana 34 Civic Center Plaza Santa Ana, California 92701	LOUISIANA - New Orleans 701 Loyola Avenue New Orleans, Louisiana 70113	NEW YORK - Buffalo 130 Delaware Avenue Buffalo, New York 14202
COLORADO - Denver 4730 Paris Street Denver, CO 80239	MAINE - Portland 176 Gannet Drive South Portland, Maine 04106	
CONNECTICUT - Hartford 450 Main Street, 4th Floor Hartford, Connecticut 06103	MARYLAND - Baltimore 31 Hopkins Place Baltimore, Maryland 21201	NEW YORK - New York City 26 Federal Plaza New York, New York 10278
FLORIDA - Jacksonville 4121 Southpoint Boulevard Jacksonville, Florida 32216	MASSACHUSETTS - Boston Government Center, JFK Federal Building Boston, Massachusetts 02203	NORTH CAROLINA - Charlotte 210 E. Woodlawn Road, Building 6, Suite 138 Charlotte, North Carolina 28217
FLORIDA - Miami 7880 Biscayne Boulevard Miami, Florida 33138	MICHIGAN - Detroit 333 Mount Elliot Street Detroit, Michigan 48207-4381	OHIO - Cincinnati 550 Main Street, Room 4001 Cincinnati, Ohio 45202
FLORIDA - Orlando 9403 Tradeport Drive Orlando, Florida 32827	MINNESOTA - Minneapolis 2901 Metro Drive Bloomington, Minnesota 55425	OHIO - Cleveland 1240 East Ninth Street Cleveland, Ohio 44199

**LISTING OF DESIGNATED INS INTERVIEWING OFFICES
FOR SPECIAL REGISTRATION**

OHIO – Columbus 50 West Broad Street, Suite 304D Columbus, Ohio 43215	SOUTH CAROLINA - Charleston 170 Meeting Street, Fifth Floor Charleston, South Carolina 29401	VERMONT - St. Albans 64 Gricebrook Road St. Albans, Vermont 05478
OKLAHOMA - Oklahoma City 4400 SW 44 th Street Suite A Oklahoma City, Oklahoma 73119	SOUTH CAROLINA - Greer 142-D West Philips Road Greer, South Carolina 29650	VIRGINIA - Norfolk 5280 Henneman Drive Norfolk, Virginia 23513
OREGON - Portland 511 Northwest Broadway Portland, Oregon 97209	TENNESSEE - Memphis 1314 Sycamore View Road, Suite 100 Memphis, Tennessee 38134	WASHINGTON, D.C. 4420 North Fairfax Drive Arlington, Virginia 22203
PENNSYLVANIA - Philadelphia 1600 Callowhill Street Philadelphia, Pennsylvania 19130	TEXAS - Dallas 8101 North Stemmons Freeway Dallas, Texas 75247	WASHINGTON - Seattle 815 Airport Way, South Seattle, Washington 98134
PENNSYLVANIA - Pittsburgh 1000 Liberty Avenue, Room 214 Pittsburgh, Pennsylvania 15222	TEXAS - El Paso 1545 Hawkins Boulevard El Paso, Texas 79925	WASHINGTON - Spokane 920 W. Riverside Room 691 Spokane, Washington 99201
PUERTO RICO – San Juan 7 Tabonuco Street Guaynabo, Puerto Rico 00968	TEXAS - Harlingen 2102 Teege Avenue Harlingen, Texas 78550-4667	WASHINGTON - Yakima 417 E. Chestnut Yakima, Washington 98901
RHODE ISLAND - Providence 200 Dyer Street Providence, Rhode Island 02903	TEXAS - Houston 126 Northpoint Drive Houston, Texas 77060	WEST VIRGINIA - Charleston 210 Kanawha Boulevard West Charleston, West Virginia 25302
ST. CROIX - Christiansted Sunny Isle Shopping Center Christiansted, St. Croix U. S. Virgin Islands 00820	TEXAS - San Antonio 8940 Fourwinds Drive San Antonio, Texas 78239	WISCONSIN - Milwaukee 310 East Knapp Street Milwaukee, Wisconsin 53202
ST. THOMAS - Charlotte Amalie Nisky Center, Suite 1A First Floor South Charlotte Amalie, St. Thomas U. S. Virgin Islands 00802	UTAH - Salt Lake City 5272 South College Drive, #100 Murray, Utah 84123	

For more information on the INS office nearest you, including hours of operation, please telephone the National Customer Service Center at 1(800) 375-5283 or TTY at 1(800) 767-1833 for the hearing impaired. You can also visit the INS web site at www.ins.usdoj.gov.

Designated Ports of Departure for Special Registration

**DESIGNATED PORTS-OF-DEPARTURE (POD)
ALPHABETICAL LIST**

Amistad Dam Del Rio, Texas	Guam International Airport Tamuning, Guam	Orlando International Airport Orlando, Florida
Anchorage International Airport Anchorage, Alaska	Hartsfield International Airport Atlanta, Georgia	Oroville Port of Entry Oroville, Washington
Bell Harbor Pier 66 Cruise Ship Terminal -Seattle, Washington	Heart Island Alexandria Bay, New York	Otay Mesa Port of Entry Otay Mesa, California
Bridge of the Americas El Paso, Texas	Hidalgo International Bridge Hidalgo, Texas	Pacific Highway Port of Entry Blaine, Washington
Brownsville/Matamoros International Bridge Brownsville, Texas	Highgate Springs Port of Entry Swanton, Vermont	Pembina Port of Entry Pembina, North Dakota
Buffalo Peace Bridge Buffalo, New York	Honolulu International Airport Honolulu, Hawaii	Piegan Port of Entry Babb, Montana
Calexico Port of Entry Calexico, California	Honolulu Seaport Honolulu, Hawaii	Port Arthur Seaport Port Arthur, Texas
Cape Vincent - Hornes Ferry Dock Cape Vincent, New York	Houston Seaport Houston, Texas	Portal Point of Entry Portal, North Dakota
Champlain Port Of Entry Champlain, New York	International Falls Port of Entry - International Falls, Minnesota	Progreso International Bridge Progreso, Texas
Chateaugay Port of Entry, Chateaugay, New York	JFK International Airport, New York City - Jamaica, New York	Rainbow Bridge - Niagara Falls Niagara Falls, New York
Chicago, O'Hare International Airport Chicago, Illinois	Laredo Gateway to the Americas - Laredo, Texas	Raymond Port of Entry Raymond, Montana
Columbus Port of Entry Columbus, New Mexico	Lewiston Bridge, Niagara Falls, New York Lewiston, New York	Roosville Port of Entry Eureka, Montana
Dallas/Fort Worth International Airport Dallas/Fort Worth, Texas	Logan International Airport East Boston, Massachusetts	Rouses Port of Entry Rouses, New York
Del Rio International Bridge Del Rio, Texas	Long Beach Seaport Long Beach, California	San Antonio International Airport - San Antonio, Texas
Denver International Airport Denver, Colorado	Los Angeles International Airport Los Angeles, California	San Diego Seaport San Diego, California
Detroit Canada Tunnel Detroit, Michigan	Massena (Seaway International Bridge) - Massena, New York	San Francisco International Airport San Francisco, California
Detroit Metro Airport Detroit, Michigan	Miami International Airport Miami, Florida	Seattle Seaport Seattle, Washington
Douglas Port of Entry Douglas, Arizona	Miami Marine Unit Miami, Florida	Seattle Tacoma International Airport - Seattle, Washington
Dulles International Airport Sterling, Virginia	Minneapolis-St. Paul International Airport St. Paul, Minnesota	Sweetgrass Port of Entry Sweetgrass, Montana
Eagle Pass Bridge Eagle Pass, Texas	Mooers Port of Entry Mooers, New York	Thousand Islands (Bridge) Port of Entry- Alexandria Bay, New York
Fort Covington Port of Entry Fort Covington, New York	Newark International Airport Newark, New Jersey	Trout River Port of Entry Trout River, New York
Galveston Seaport Galveston, Texas	Nogales Port of Entry Nogales, Arizona	Whirlpool Bridge Niagara Falls, New York
George Bush Intercontinental Airport - Houston, Texas.	Ogdensburg Prescott International Bridge – Ogdensburg, New York	Ysleta Port of Entry El Paso, Texas

**DESIGNATED PORTS-OF-DEPARTURE (POD)
LIST BY STATE**

ALASKA	Detroit Canada Tunnel Detroit, Michigan	Whirlpool Bridge Niagara Falls, New York
Anchorage International Airport Anchorage, Alaska	Detroit Metro Airport Detroit, Michigan	NORTH DAKOTA
ARIZONA	MINNESOTA	Pembina Port of Entry Pembina, North Dakota
Douglas Port of Entry Douglas, Arizona	International Falls Port of Entry International Falls, Minnesota	Portal Point of Entry Portal, North Dakota
Nogales Port of Entry Nogales, Arizona	Minneapolis-St. Paul International Airport Minneapolis-St. Paul, Minnesota	TEXAS
CALIFORNIA	MONTANA	Amistad Dam Del Rio, Texas
Calexico Port of Entry Calexico, California	Piegan Port of Entry Babb, Montana	Brownsville/Matamoros International Bridge - Brownsville, Texas
Long Beach Seaport Long Beach, California	Raymond Port of Entry Raymond, Montana	Bridge of the Americas El Paso, Texas
Los Angeles International Airport Los Angeles, California	Roosville Port of Entry Eureka, Montana	Dallas/Fort Worth International Airport - Dallas/Fort Worth, Texas
Otay Mesa Port of Entry Otay Mesa, California	Sweetgrass Port of Entry Sweetgrass, Montana	Del Rio International Bridge Del Rio, Texas
San Diego Seaport San Diego, California	NEW JERSEY	Eagle Pass Bridge Eagle Pass, Texas
San Francisco International Airport - San Francisco, California	Newark International Airport Newark, New Jersey	Galveston Seaport Galveston, Texas
COLORADO	NEW MEXICO	George Bush Intercontinental Airport - Houston, Texas
Denver International Airport Denver, Colorado	Columbus Port of Entry Columbus, New Mexico	Hidalgo International Bridge Hidalgo, Texas
FLORIDA	NEW YORK	Houston Seaport Houston, Texas
Miami International Airport Miami, Florida	Buffalo Peace Bridge Buffalo, New York	Laredo Gateway to the Americas Laredo, Texas
Miami Marine Unit Miami, Florida	Cape Vincent - Hornes Ferry Dock Cape Vincent, New York	Port Arthur Seaport Port Arthur, Texas
Orlando International Airport Orlando, Florida	Champlain Port of Entry Champlain, New York	Progreso International Bridge Progreso, Texas
GEORGIA	Chateaugay Port of Entry, Chateaugay, New York	San Antonio International Airport San Antonio, Texas
Hartsfield International Airport Atlanta, Georgia	Fort Covington Port of Entry Fort Covington, New York	Ysleta Port of Entry El Paso, Texas
GUAM	Heart Island Alexandria Bay, New York	VERMONT
Guam International Airport Tamuning, Guam	JFK International Airport (New York City) - Jamaica, New York	Highgate Springs Port of Entry Swanton, Vermont
HAWAII	Lewiston Bridge, New York - Lewiston, New York	VIRGINIA
Honolulu International Airport Honolulu, Hawaii	Massena (Seaway International Bridge) - Massena, New York	Dulles International Airport (Washington-Dulles Airport) -Sterling, Virginia
Honolulu Seaport Honolulu, Hawaii	Mooers Port of Entry Mooers, New York	WASHINGTON
ILLINOIS	Ogdensburg Prescott International Bridge – Ogdensburg, New York	Bell Harbor Pier 66 Cruise Ship Terminal - Seattle, Washington
Chicago, O'Hare International Airport – Chicago, Illinois	Rainbow Bridge - Niagara Falls Niagara Falls, New York	Oroville Port of Entry Oroville, Washington
MASSACHUSETTS	Rouses Port of Entry Rouses, New York	Pacific Highway Port of Entry Blaine, Washington
Logan International Airport East Boston, Massachusetts	Thousand Islands (Bridge) Port of Entry- Alexandria Bay, New York	Seattle Seaport Seattle, Washington
MICHIGAN	Trout River Port of Entry Trout River, New York	Seattle Tacoma International Airport - Seattle, Washington