

Law Offices of Becki L Young, PLLC Newsletter

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DISCLAIMER: This information is not to be construed as legal advice. You should consult an immigration attorney whenever specific questions arise.

**Did You Apply for
the Visa Lottery?**

This year's Visa Lottery results will be

Visa Fee Increase

On June 4, 2010 DOS increased the fees for nonimmigrant visa application processing, also called the Machine-Readable Visa (MRV) fee, and Border Crossing Card (BCC) fees, and created a tiered structure with separate fees for different nonimmigrant visa categories.



Under the new schedule of fees, applicants for all visas that are not petition-based, including B1/B2 tourist and business visitor visas and all student and exchange visitor (F, M and J) visas, will pay a fee of \$140.

A fee of \$150 will apply to petition-based visas including: H visas for temporary workers and trainees, L visas for intra-company transferees, O visas for aliens with extraordinary ability, P visas for athletes, artists and entertainers, Q visas for international cultural exchange visitors, and R visas for religious occupations.

The application fee for K visas for fiancé(e)s of U.S. citizens will be \$350. The fee for E visas for treaty-traders and treaty investors will be \$390.

For more information see

travel.state.gov/visa/temp/types/types_1263.html.

H-1B Cap Count

As of June 11, 2010, approximately 22,200 H-1B cap-subject petitions, and 9,400 H-1B petitions for individuals with advanced degrees, were received. See www.uscis.gov/h-1b_count for more information.



U.S. Citizenship
and Immigration
Services

Proposed USCIS Fee Increase

USCIS recently published a proposed rule to adjust fees for immigration benefit applications and petitions. Note that this is a proposed rule and these fees are not yet in effect. The rule would increase the average application and petition fees by approximately 10 percent.

USCIS is proposing that the naturalization application fee not be increased.

The rule would establish new fees for (1) regional center designation under the Immigrant Investor Pilot Program (EB-5); (2) individuals seeking civil surgeon designation; and (3) recovery of the cost of processing immigrant visas granted by DOS.

The rule also proposes to increase the premium processing fee, and to reduce fees for: (1) Petition for Alien Fiancé (Form I-129F); (2) Application to Extend/Change Nonimmigrant Status (Form I-539); (3) Application to Adjust Status From Temporary To Permanent Resident (Form I-698); (4) Application for Family Unity Benefits (Form I-817); and (5) Application for Replacement Naturalization/Citizenship Document

available July 1, 2010.
[Click here](#) to see whether
 you were selected!

(Form N-565).

We will send a notification
 to our mailing list
 when the application
 period for next year's
 lottery begins. If you
 have friends or colleagues
 who would like to be
 notified, they may join our
 mailing list by clicking on
 the link above.

New EAD

USCIS recently revised the
 Employment Authorization Document
 (EAD) to incorporate the addition of a
 machine-readable zone on the back of
 the card. An image of the new card
 can be found at www.uscis.gov.



AC21 Three Year H1B Extensions

Note that eligibility for a three year H-1B extension under AC21 (for individuals with an approved I140 whose priority dates are not current) does not guarantee that the petition will be approved for a full three years. Rather, the validity period of H-1Bs will be limited based on time period of qualifying employment established by the evidence submitted.

All H-1B extension filings should include proof of the employer-employee relationship, both in the past and for the validity period requested by the petition.

New DOL Tool For H-1B Employers

On May 13, 2010 DOL unveiled a new tool to help employers understand how to comply with requirements under the H-1B visa program. The online advisor is available at www.dol.gov/elaws/h1b.htm.



End of Paper I94 for Visa Waiver Travelers

On May 20, 2010 DHS announced the upcoming elimination (by the end of this summer) of the paper arrival/departure form (Form I-94W) for authorized travelers from nations participating in the

Visa Waiver Program (VWP).

Now visa waiver travelers must provide basic biographical, travel and eligibility information automatically through ESTA, the Electronic System for Travel Authorization, prior to departure for the U.S. Travelers should submit ESTA applications as soon as they begin making travel plans. ESTA applications may be submitted at any time prior to travel, and once approved, will be valid for two years or until the applicant's passport expires. Note that a \$10 fee for ESTA will be imposed sometime during the next six months.

For more information about the VWP see: travel.state.gov/visa/temp/without/without_1990.html. For more information about ESTA see www.cbp.gov.

Simultaneous Change of Status Applications

What happens when multiple applications or petitions are pending for one beneficiary at different Service Centers? First of all, it is best to wait to file a second change of status application/petition until after the first request is approved.

If you cannot avoid having multiple change of status applications pending simultaneously at multiple service centers, include a detailed cover letter

with the second filing with (1) a list of all pending petitions and applications involving the beneficiary; (2) the order in which you would prefer the applications to be processed; (3) all receipt notice numbers, types of filings, and the Service Center where each application or petition is pending; (4) the names of the petitioner/beneficiary; and (5) the tracking number for the package, delivery service used, and date the application was filed.

USCIS will try to process cases in the requested order, although USCIS cannot guarantee they will not be processed out of order.

New Policy on Gender Change in Passports

DOS recently announced its new policy guidelines regarding gender change in passports and Consular Reports of Birth Abroad. Beginning June 10, when a passport applicant presents a certification from an attending medical physician that the applicant has undergone appropriate clinical treatment for gender transition, the passport will reflect the new gender. Sexual reassignment surgery is no longer a prerequisite for passport issuance. A Consular Report of Birth Abroad can also be amended with the new gender.



I-751 Receipt Notice Issue

Note that the receipt number listed on a receipt notice for Form I-751, Petition to Remove the Conditions of Residence is not the actual receipt number for that case. In fact, if the receipt number shown on the receipt notice for the I-751 is tracked through the USCIS online case status, an error message will appear. The correct receipt number for an I-751 is listed on the I-751 biometrics notice.

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