

RELIGIOUS IMMIGRATION QUARTERLY

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HAPPY NEW YEAR !!!



USCIS Issues New I-693 Medical Examination Form

The U.S. Citizenship and Immigration Services (USCIS) has released a revised version of the Medical Examination of Aliens Seeking Adjustment of Status (Form I-693) dated September 16, 2005. Form I-693 is used by USCIS to determine whether applicants for adjustment of status are admissible to the U.S. based upon medical grounds. The changes in the form include the date change and changes to the instructions regarding who must have a tuberculin skin test – now any applicant who is two or older must have the test. While prior versions of Form I-693 are still acceptable, applicants for adjustment of status should endeavor to use the most current form available. CLINIC will be sending out the new form to all recipients of approved I-360 Special Immigrant Petitions.

Update: Immigrant Rights Post-Katrina

CLINIC and its local affiliates are actively developing programs to protect immigrants' rights in the areas recently hit by hurricanes. Though some affiliates' offices suffered damage, CLINIC is helping them rebuild and continue to serve the immigrants also struggling through the recovery.

Generous funding from the Open Society Institute allows CLINIC to set up an intake system, conduct public outreach, and communicate with relevant governmental agencies. Some of the issues immigrants face includes:

- Immigrants' access to emergency aid.
- Workers' rights: withholding of pay, worksite health and safety.
- Compliance with immigration procedure requirements: for example, filling out proper change of address forms.

CLINIC is publishing a regular electronic newsletter on its post-disaster work. For more information and to sign up for the electronic newsletter, please visit

<http://www.cliniclegal.org/katrina.shtml>.

Correcting Errors on I-94 Cards

With the Christmas season upon us, and many people journeying home to see their loved-ones, we thought it a good time to remind you of some pointers regarding traveling and returning to the United States with new Forms I-94 Arrival/Departure Cards. An individual's nonimmigrant status and length of stay in the U.S. are recorded on his or her Form I-94 Arrival/Departure Record (I-94 card). When returning to the U.S. after travel abroad, foreign-born persons traveling on a valid visa should pay special attention to both the nonimmigrant category and the date which the Immigration Inspector writes on his/her new I-94 card so that any mistakes can be corrected immediately.

The Form I-94 Arrival/Departure card may be issued by either U.S. Customs and Border Protection (CBP) or U.S. Citizenship and Immigration Services (USCIS). Each agency may be petitioned to correct I-94 cards that contain errors such as incorrect nonimmigrant classification, admission date or expiration of nonimmigrant status, or a misspelled name.

If the error was made by CBP (i.e., by an official at a port of entry), the error must be corrected by CBP. According to the CBP Inspector's Field Manual, in such cases the individual should "report to the nearest CBP deferred inspection office or port-of-entry, regardless of where the actual document was issued." For example, if you were most recently admitted to the U.S. in Dallas, but you reside in Chicago, you would report to CBP Deferred Inspection in Chicago to seek correction of your I-94 card.

If the error was made by USCIS (or an Asylum office), the individual will need to file form I-102, Application for Replacement/Initial Nonimmigrant Arrival/Departure Record with the USCIS Service Center having jurisdiction over his/her state of current residence.

Please contact your DRIS attorney for more information about how to correct errors on I-94 Arrival/Departure cards.

Department of State Issues Guidance to Consulates on Issuance of F-1 Visas

Student visas are often denied for "lack of compelling ties" to a student-applicant's country. The Department of State recently issued guidance to its consular posts regarding the adjudication and issuance of F-1 Student Visas. The Department of State reminded its consular officers to evaluate the student-applicant's requirement to maintain a residence abroad in the context of the student's *present* circumstances, focusing on the student's immediate and near-term intent.

The State Department specifically noted that it is natural that a student would not possess ties of property, employment, family obligation and continuity of life that many other visa applicants possess. These ties are often weakly held by student-applicants, as students are often single, unemployed, without property, and are at the stage of life of deciding and developing future careers. The State Department further noted that this general condition is further accentuated in light of the student's proposed extended absence from his or her homeland. That said, the student-applicant still must satisfy the consular officer *at the time of application* he or she has the present intent to depart the United States at the conclusion of his or her studies.



2006 DRIS Trainings

Basic Religious Immigration Training

- When:** March 13, 2006
Where: El Paso, TX
For Whom: Staff of Catholic Charities immigration programs, nonprofit organizations, religious institutes and arch/dioceses
Topics: Basic concepts in immigration law; applicable laws and regulations; R-1 nonimmigrant visas; special immigrant visas for religious workers; adjustment of status to lawful permanent resident; practice pointers
Fee: \$150 – includes training manual
EXTRA: **March 14, 2006 – Opportunity to visit U.S. Consulate Nonimmigrant Visa Section in Ciudad Juarez, Mexico**
Cost: approximately \$40 for transportation

Religious Worker and Student Visa Immigration Training

- When:** late-September 2006
Where: Washington, DC
For Whom: Vocation directors and formation personnel, major superiors of religious institutes, rectors of seminaries, deans of students, staff of Catholic Charities with 501(c)(3) status, and foreign-born seminarians.
Topics: This two-day training will focus on religious worker and student visas. The first day will cover religious worker visas, including: basic concepts of immigration law; R-1 nonimmigrant visas; special immigrant visas; and key issues for religious workers. The second day concentrates on student visas, including: applying for a student visa; changing to student status; understanding SEVIS; and, key issues for students.
Fee: \$200 – includes training manual

Basic Religious Immigration Training

- When:** October 27, 2006
Where: Kansas City, KS
For Whom: Staff of Catholic Charities immigration programs, nonprofit organizations, religious institutes and arch/dioceses
Topics: Basic concepts in immigration law; applicable laws and regulations; R-1 nonimmigrant visas; special immigrant visas for religious workers; adjustment of status to lawful permanent resident; practice pointers.
Fee: \$150 – includes training manual

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