

## RELIGIOUS IMMIGRATION QUARTERLY

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### **NEW SEVIS FEE IN EFFECT**

The Student and Exchange Visitor Information System (SEVIS) is an electronic tracking system which is used to collect, maintain and manage information about foreign students and exchange visitors during their stay in the United States. Beginning September 1, 2004, the Department of Homeland Security implemented a one hundred dollar (\$100.00) SEVIS fee to help cover the costs associated with operating the SEVIS system.

The fee applies to the following groups of people:

- Those who wish to enter the U.S. as a student with a Form I-20 dated after September 1, 2004.
- Those who are in the U.S. and wish to change to student status from another non-immigrant status.

Individuals who are outside the U.S. and must apply for an F-1 Student Visa to enter the U.S. must pay the SEVIS fee before going to the U.S. consulate for their visa interview. (Canadian citizens, because they are not required to obtain visas, must pay the fee prior to seeking admission at a U.S. port of entry). Individuals who are in the U.S. and wish to apply for student status must pay the fee before filing the change of status application. Generally, individuals will only have to pay the SEVIS fee once. A new fee is not required if, for example, an individual transfers to a new school or obtains a new visa to re-enter the U.S.

The fee may be paid either by mail or electronically. To pay by mail submit a Fee Remittance for Certain F, M and J Nonimmigrants (Form I-901) along with a check or money order drawn on a U.S. bank and payable in U.S. currency. To pay electronically, complete Form I-901 online (at <http://www.ice.gov/graphics/sevis/index.htm>) and pay by credit card.

### **NEW RULE FOR EMPLOYMENT AUTHORIZATION DOCUMENTS**

Certain categories of non-immigrants—such as R-1 Religious Workers—are authorized to work in the U.S. by virtue of their non-immigrant status. Individuals in these categories do not need a separate employment authorization in order to work in the U.S. However, other categories of non-immigrants—such as F-1 students—must maintain valid employment authorization if they wish to work. Applicants for adjustment of status are also required to maintain valid employment authorization while their applications are pending.

The USCIS generally issues Employment Authorization Documents (EADs) that are valid for one year, and can be renewed annually. This one-year validity period is insufficient in many cases. For example, the application for adjustment of status normally takes over two years to be approved. This means that an adjustment applicant will need to renew his or her EAD once or twice in order to maintain valid employment authorization for the entire time the application is pending. For each renewal, the individual must file form I-765 and pay the required filing fee of \$175.00. These multiple renewals also burden the USCIS, as it must expend resources to process these applications.

Fortunately, this may soon change. As part of its backlog elimination strategy, the Department of Homeland Security recently issued an interim rule intended to ease these burdens. In the future, the USCIS will not be limited to issuing EADs for just one year—instead, the USCIS will have the discretion to issue EADs for longer periods, to account for such things as the lengthy processing time of the Application for Adjustment of Status.

### **DEADLINE FOR MACHINE READABLE PASSPORTS APPROACHING**

The Visa Waiver Program enables citizens of certain countries to travel to the United States for tourism or business for 90 days or less without obtaining a visa. Beginning October 26, 2004, persons entering the United States under the Visa Waiver Program must be in possession of a Machine Readable Passport (MRP). If such a person does not have an MRP, he or she will be required to obtain a nonimmigrant visa before attempting to enter the United States.

A machine readable passport can generally be identified by the presence of two typeface lines, printed at the bottom of the biographical page, that can be read by machine. These lines electronically provide some of the information contained on the upper part of the biographical page. If there is any doubt about whether a passport qualifies as machine-readable, the person seeking to enter the U.S. should check with the passport-issuing authority of his or her country.

There are 27 countries currently in the Visa Waiver Program: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland and the United Kingdom.

More information regarding the Visa Waiver Program and Machine Readable Passports is available on the State Department website at <http://travel.state.gov/visa/tempvisitors>.

### **INFOPASS**

The USCIS is in the process of rolling out its new internet based appointment system, InfoPass. With InfoPass, individuals can go online and schedule a date and time to meet

with an immigration officer, avoiding the need to wait in line. The attached Fact Sheet issued by USCIS provides information on using InfoPass.

### **TRANSIT VISAS**

Individuals traveling to the U.S. should be aware of the potential need for a “transit visa.” The need may arise where a person traveling from their home country to the U.S. has a connecting flight in a third country. For example, a person traveling from Nigeria to the United States, with a connecting flight in France, will have to obtain a transit visa from the French government before making the trip. Each country has its own rules regarding transit visas. Therefore, people will need to check with the consulate of whatever country they are traveling through in order to determine what is required.

### **PROBLEMS WITH SOCIAL SECURITY OFFICES? LET US KNOW!**

In the last newsletter, we reported that some individuals in R-1 status had been wrongfully denied social security numbers at some local Social Security offices. We also stated that we would work to resolve the issue through CLINIC’s labor and employment attorney, Karen Herrling. We are happy to report that we are making progress on this issue. We have been told that Social Security Administration (SSA) Headquarters will be issuing guidance regarding social security numbers for R-1 nonimmigrants to those regional offices where we were able to specify difficulties. The SSA Headquarters also asked to know of problems at other offices. If you or an R-1 non-immigrant within your community or Diocese experiences problems in getting a Social Security number from a local SSA office, please let us know so that we can inform the SSA Headquarters.

### **ELECTION 2004: THE CANDIDATES AND IMMIGRATION REFORM**

With the presidential election fast approaching, you may be interested in knowing where the candidates stand on the important issue of immigration reform. With an estimated eight to twelve million undocumented persons now in the U.S., the need for reform can no longer be ignored. Both candidates have spent time discussing the issue, and their views differ in some important respects.

Last winter, President Bush presented his “Fair and Secure Immigration Reform” proposal. President Bush’s plan would grant temporary legal status to certain immigrant workers, whether living abroad or living in the U.S. without lawful status. The temporary worker status would be granted for three years, with the ability to extend the status for an additional three years. This proposal does not provide workers with a path toward permanent residency. Individuals would be expected to leave the U.S. once their temporary status expired. Further, although the president outlined his proposal more than nine months ago, he has not pushed to get a bill introduced in Congress.

John Kerry has stated that he will offer an immigration reform bill in his first 100 days in office. The bill would offer earned legalization to undocumented workers who have lived and worked in the U.S. for five years, have paid taxes, and satisfy a security screening. In addition, John Kerry has supported the AgJobs bill (providing earned legalization for agricultural workers) and the DREAM Act (providing legal status for some undocumented immigrant students).

### **NEW DRIS STAFF**

Allison Posner was recently hired as a staff attorney with CLINIC's Division of Religious Immigration Services. Allison is a 2002 graduate of the Washington College of Law at American University. She has worked for an immigration law firm in Dallas, Texas and with a general practice firm in Massachusetts. Allison is a wonderful addition to the DRIS team and we are delighted to have her. ☺