

# WorldEsquire Law Firm's Immigration News You Can Use

Eighth Edition

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## Asylees With Pending Adjustment of Status Applications Filed Before April 1999 Should Immediately Contact the BCIS

The Bureau of Citizenship and Immigration Services (BCIS) announced that asylees who filed adjustment of status applications **on or before April 1, 1999**, and have not received a decision regarding their adjustment application, should contact the [National Customer Service Center](#) (NCSC) at 1-800-375-5283 to ensure that the agency has a record of their current address. Applicants can also contact the NCSC to check on the status of their case.

NOTE: When you call this number, first press #1 ("for information about pending applications"), and once there, press #2 ("for change of address of your N-400 and certain pending asylum adjustment applications"). When you call, be sure you have your application receipt number available.

An asylee is a person who has received a [final grant of asylum](#). Most persons who have been in asylee status for one year or more are eligible to file an application for Adjustment of Status ([Form I-485](#)). Under the Immigration and Nationality Act, annually no more than 10,000 asylees may have their status adjusted to that of [Lawful Permanent Resident](#). The BCIS is currently adjudicating applications for asylee adjustment filed **on or before April 1, 1999**. An asylee, who filed an adjustment of status application **on or before April 1, 1999**, and has not received a decision regarding the ad-



justment application, should contact the NCSC at 1-800-375-5283 (see NOTE above) Monday through Friday between the hours of 8:00 am and 6:00 pm.

### **Special Notice to Iraqi and Syrian Asylees**

Special provisions in immigration law authorize the BCIS to process the adjustment of status applications of certain eligible Iraqi and Syrian asylees without regard to the 10,000 numerical limitation. For further information, see:

Asylees who are eligible for their applications to be processed under these special provisions and believe the BCIS may be inadvertently subjecting their applications to the 10,000 cap should contact the BCIS by writing to the following address:

Nebraska Service Center  
Attn: 485 SYRIAN SUPERVISOR  
P.O. Box 87333  
Lincoln NE 68501-7333

When writing, please include your name, date of birth, country of birth, A-file number, filing receipt/tracking number, and your current address.

## Inside This Issue

Asylees With Pending Adjustment of Status Applications Filed Before April 1999 Should Immediately Contact the BCIS	1
The Bipartisan DREAM Act Introduced in Senate: Follows House Introduction of H.R. 1684	1
Bits and Pieces	2
To Legalize or Not to Legalize?	2
DHS and DOS Suspend Transit Without Visa (TWOV) and International-to-International (ITI) Transit Programs	2
BCIS Extends Temporary Protected Status (TPS) For Nationals of El Salvador	3
BCIS Announces Extension of Temporary Protected Status (TPS) for Nationals of Somalia	3
BCIS Extends Temporary Protected Status (TPS) For Nationals of Montserrat	3
DHS Extends Designation of Liberia for TPS	3
President Likely to Support Kolbe-McCain-Flake Guest-Worker Bill	back
In Closing	back

## The Bipartisan DREAM Act Introduced in Senate: Follows House Introduction of H.R. 1684

Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL) introduced the bipartisan Development, Relief, and Education for Minors (DREAM) Act of 2003 (S.1545) on July 31. This bipartisan legislation that provides deserving students with an opportunity to apply for legal status and continue their education. By providing the opportunity for these children to go to college and gain legal status, America will not only strengthen its economic foundation by creating a more educated work force, but also will introduce a measure of fairness to our immigration system. Of course, the usual arguments against any immigration will be offered by some to block this legislation. We will track this and keep you posted.

## Bits and Pieces

The Department of State issued a cable reminding posts that, starting October 1, 2003, all Visa Waiver Program travelers must present a machine-readable passport in order to enter the U.S. without a visa. So, if your country is on the list but your passport is not machine-readable, you will be refused admission to the US.

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It appears that DHS investigators are visiting some employers who filed either a labor certification or H-1B application seeking to verify the legitimacy of the employer or a job offer. This has not happened to any of our clients yet, but we are on the look-out.

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### Need Answers? Ask the Government, Really

In our modern electronic age, wonders will never cease, or at least so it seems. The General Services Administration announced the launch of "USA Services" part of President Bush's "E-Government" initiative (see items below from the GSA and the OMB). GSA Administrator Perry is quoted as stating "we pledge to provide answers to all e-mail and telephone citizen inquiries with two business days or less". Bearing in mind that Petitioners in immigration cases include US citizens petitioning for their relatives, and companies (artificial persons, therefore arguably also "citizens") petitioning for their employees, does this now mean that enquiries to BCIS and DOL will now receive answers in 2 days or less? So the administration appears to be saying. The number to call is 1-800-FED-INFO. Or e-mail your inquiry through the form at:

<http://www.firstgov.gov/feedback/FeedbackForm.jsp>

(be sure to select "Immigration and Naturalization" in the drop down box).

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### Illegal Immigrants To Be Allowed Driving Licenses

Governor Gray Davis' has finally promised that he would sign a bill allowing illegal immigrants to apply for California driver's licenses to advance public safety. Davis, who has twice vetoed similar bills at the recommendation of law enforcement officers, said he would sign the current bill "in a heartbeat." The governor's announcement touched off anger among activists against illegal immigration. They said it would be a perversion of the state licensing system to provide a legal document to a motorist whose presence in this country violates federal law. Never mind the safety of the many motorists on the highways of California. The Governor's promise became reality in early August. At this time, we do not know when the new law will become effective.

## To Legalize or Not to Legalize?

Two years ago, Mexico offered a radical plan to President Bush: Legalize the estimated 4 million to 5 million Mexican migrants living illegally in the US, and Mexico would work harder to keep other citizens from illegally crossing the border. Talks abruptly ended. Now there's word Bush may want an immigration deal with Mexico just in time for him and the GOP to win Hispanic votes in the 2004 elections.



Two bills are up for consideration in Congress: Rep. Jeff Flake (R) along with two Senators from Arizona sponsored a bill that would allow Mexicans already in the US to apply for guest-worker status, and then be put on a path to citizenship.

Sen. John Cornyn (R) of Texas has a bill that would allow illegal immigrants to work legally for three years as long as they were sponsored by their employers; the workers would not get amnesty, per se, but their applications to become permanent residents would be expedited.

Some argue that any mass legalization, reward lawbreakers and might encourage more to do the same in hopes of another amnesty in the future. Furthermore, it is, they say, unfair to Mexicans who waited to enter the US legally. But that argument must simply fail since most of said lawbreakers have US or resident spouses and children who would be forced to leave their country and way of life in order to help their loved-ones go through an inordinately lengthy and imperfect process of re-entering the US.

## DHS and DOS Suspend Transit Without Visa (TWOV) and International-to-International (ITI) Transit Programs

With three exceptions to accommodate travelers who may be immediately impacted, the Homeland Security (DHS) and State (DOS) Departments suspended the TWOV and ITI transit programs. A TWOV happens when a passenger in an international airline is allowed to deplane in the US in order to catch another flight going elsewhere. This is fairly common in international flights and is often used by airlines to decrease costs and increase market share. The suspension was effective at 11:00 am on Saturday, August 2, 2003. This suspension does not affect U.S. citizens or citizens from visa waiver countries. The DHS and DOS are soliciting comments from the public and will reassess the suspension over the next 60 days. DHS and DOS announced that they intend to reinstate the programs as soon as additional security measures are implemented. So if you have relative who are not US citizens or are from countries whose citizens can legally enter the US without a visa, advise them not to transit in the US without a visa.

## BCIS Extends Temporary Protected Status (TPS) For Nationals of El Salvador

### Who is eligible to re-register for the 18-month TPS extension?

An alien who is a national of El Salvador (or in the case of an alien having no nationality, a person who last habitually resided in El Salvador) may re-register for the 18-month extension of TPS and an extension of employment authorization. Re-registration is limited to persons who registered during the initial TPS registration period that ended on September 9, 2002 or who registered after that date under the late initial registration provision, and who timely re-registered during the previous extension. Those who have never registered for TPS may be eligible to register for late initial registration, as described below. Individuals who have been convicted in the United States of either a felony or two or more misdemeanors committed in the United States are not eligible for TPS. Likewise, individuals subject to certain criminal or security-related bars to asylum are ineligible for TPS. Persons previously granted TPS under the El Salvador TPS program expiring on September 9, 2003 may re-register during the 60-day re-regis-

tration period beginning on July 16, 2003 and ending September 15.

### How to re-register for a TPS extension?

To re-register for the extension, a TPS applicant must submit Form I-821 (Application for Temporary Protected Status) and Form I-765 (Application for Employment Authorization), as well as two identification photographs (1 1/2" x 1 1/2") to the local BCIS district office. Both forms must be submitted for re-registration. If the applicant is only seeking to re-register for TPS and not seeking an extension of employment authorization, there is no filing fee. However, all applicants seeking an extension of employment authorization until September 17, 2004 must submit a \$120 filing fee with Form I-765. **Failure to submit the required photographs and filing fees will result in the rejection of the re-registration application.**

## BCIS Announces Extension of Temporary Protected Status (TPS) for Nationals of Somalia

The Bureau of Citizenship and Immigration (BCIS) on July 21, 2003 announced a 12-month extension of Temporary Protected Status (TPS) for nationals of Somalia until September 17, 2004.



The extension of TPS for Somalia is effective September 17, 2003, and will remain in effect until September 17, 2004. Nationals of Somalia who have been granted TPS must re-register for the 12-month extension during the 60-day re-registration period, which begins on July 21, 2003 and will remain in effect until September 19, 2003.

Under the extension, those who have already been granted TPS are eligible to live and work in the United States for an additional year and continue to maintain their status. There are approximately 360 nationals of Somalia (or aliens having no nationality who last habitually resided in Somalia) who are eligible for re-registration.

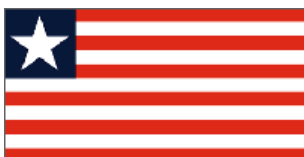
## BCIS Extends Temporary Protected Status (TPS) For Nationals of Montserrat

WASHINGTON, D.C. – The Bureau of Citizenship and Immigration Services (BCIS) announced on July 1, 2003 the extension of Temporary Protected Status (TPS) for nationals of Montserrat for an additional year until August 27, 2004. Nationals of Montserrat who are currently registered under the TPS program must re-register during the 60-day period from July 1, 2003 until September 2, 2003.



The extension of TPS for Montserrat is effective August 27, 2003, and will remain in effect until August 27, 2004. Nationals of Montserrat who are currently registered under the TPS program must re-register during the 60-day period from July 1, 2003 until September 2, 2003. Under the extension, those who already have TPS are eligible to live and work in the United States for an additional year and continue to maintain their status. Applicants for extension can begin applying immediately. The TPS re-designation for Montserrat will affect approximately 325 nationals.

## DHS Extends Designation of Liberia for TPS



The DHS published notice in the Federal Register extending TPS for Liberians for a 12 month period, until October 1, 2004. The 60-

day registration period runs from August 6, 2003 until October 6, 2003. The DHS's Federal Register notice with instructions on registration, information, and answers to frequently asked questions is posted on AILA.

## **President Likely to Support Kolbe-McCain-Flake Guest-Worker Bill**

President George Bush, discussed the Border Security and Immigration Improvement Act with Sen. John McCain and Rep. Jim Kolbe, two Arizona Republicans who introduced the bill. "The president was enthusiastic about the bill and told them to take the legislation up with his staff." The President has always considered immigration policy "a high priority." He told the two Senators that

"he would be looking at it very carefully and working with them on it. This version of the guest-worker proposal would allow millions of foreigners already in the United States to live and work here with temporary visas. The sponsoring Senators say the bill would reduce migrant deaths on the U.S.-Arizona border, fill needs for low-skilled labor nationwide and improve national security.

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### **In Closing...**

At WorldEsquire Law Firm, our goal is to make our newsletter informative, easy to understand and a pleasure to read. We appreciate your comments and suggestions. Don't forget to visit our website, as we have a multitude of information and links available to you.

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