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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

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April 21, 1999

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Office of General Council
Federal Election Commission
999 E Street NW
Washington DC 20463

Dear Sir:

I am submitting evidence that suggests violations of Federal Election Laws have occurred. Specifically:

- A 501(c)(3) corporation solicited campaign contributions for Senator Spencer Abraham of Michigan.
- Senator Abraham may have received campaign contributions from non-citizens.

The evidence of these violation are as follows:

- A description of the "India Network Foundation" as written by the organization. The original can be found at on the internet at <http://www.indnet.org/inf.html>. This document asserts the organization is a 501(c)(3) corporation. The web site contains solicitations for tax deductible contributions.
- Two newsletters published by "Indian Network Foundation" containing solicitations for campaign contributions. The originals can be found at <http://www.kvrao.org/cgi/wa?A2=ind99&L=immnet&F=lf&S=&P=231> and <http://www.kvrao.org/cgi/wa?A2=ind99&L=immnet&F=lf&S=&P=327>.

The February newsletter contains the initial solicitation. The March newsletter identifies the beneficiary as Senator Abraham and alerts the reader to future contribution opportunities. As is clear from their content, the target audience for these newsletters is non-citizens seeking to live and work in the U.S., making these solicitations for non-citizens to contribute to campaigns. This suggests non-citizens may have contributed to Senator Abraham's campaign.

Sincerely,



John M. Miano

*This is to acknowledge that John M. Miano
appeared before me and swore the
above is true April 27, 1999.*

NOTARY PUBLIC
My Commission Expires Jan 10, 2003

103 PARK AVE • SUMMIT NJ • 07901
PHONE: 908-273-9207 • FAX: 908-273-3307

The India Network Foundation

**P.O. Box 556, Bowling Green, OH 43402, USA
Telephone: 419- 352 9335, Fax: 419-352 9334**

The India Network Foundation is a nonprofit, charitable, educational and community organization founded by Dr. K.V. Rao to serve the Asian Indian Community around the world and to help developmental projects in India. The India Network, started as a small group in 1988 is the first electronic network of Asian Indians in the World and is unique in delivering the publications to the electronic mail box of members. The organization currently publishes a number of digests ranging from news to matrimonial, and specialized forums such Immigration Law Forum. Membership in the India Network is open to anyone interested in India and India related information.

The India Network Foundation has been established as an independent non-profit foundation in July 1996. The INF is a tax-exempt community organization under 501(c)(3) of the Internal Revenue Service of the U.S Government. The Foundation publishes various publications and maintain informative web pages. The foundation has been helping various developmental projects in India and providing support to members confronted with un-expected problems and issues in the United States.

The foundation depends on individual contributions in maintaining these services. The foundation is guided by a board of trustees under the Presidentship of Dr. K.V. Rao, the founder of the organization. Since 1993 and Until recently, the India network project was a part of the BGSU Foundation of the Bowling Green State University. Since the activities of the foundation extended to helping developmental projects in India etc., a separate non-profit foundation has been established to allow us the greatest flexibility in meeting the needs.

The INF strives to provide stable network resources, support research on Asian Indian community in the United States and other countries, meet the social and cultural needs of the immigrant community in an alien culture, increase the knowledge and awareness of India and Asian Indian culture abroad. The INF negotiated a Group Health Insurance Plan for visiting parents, students and temporary workers.

In the past, We have provided funding to qualified student(s) from India to enable fulfill their goals in higher education in the United States. The following students have been benefited from our program:

- **Pabak , MS in Statistics, 1994-95**
- **Rajesh Bawa, MBA, 1995-96 (Part)**
- **Jaya , Public Health, 1995'96**
- **Padma , Sociology, 1996-'97 (Part)**

We have closed this program due to lack of support from members at large and also the students coming from India are often interested in the funding but not sincere in fulfilling the tasks assigned to them. However, we are open to the idea of helping students if such a project and funding is given to the INF.

India Network Publications and Projects

Our Computer Resources

The India Network currently has ONE Sun Sparc20 workstation and one HAL Workstation dedicated to the network. The Sparc20 is the main computer that supports our web server and delivery of mail. The digests are processed and delivered with the help ofLISTSERV software, a

donation from L-Soft International. We have acquired about 12 GB space on INDNET disk storage and have a 5 GB tape drive that backup the system. We are looking for a good back software for solaris system at this time. In addition, we have two powerful personal computers running windows98 that are used to process mail, maintain records and our membership data base. Membership in India Network Foundation is open to anyone interested in India, India related issues and can be obtained by completing the membership Form through our secure server.

Home

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Date: Tue, 23 Feb 1999 11:16:15 -0500
Reply-To: forum@INDNET.ORG
Sender: India Network Immigration Law Forum <IMMNET@INDNET.ORG>
From: Editor <editor@indnet.org>
Subject: IMMNET BULLETIN February 1999
Content-Type: TEXT/PLAIN; charset=US-ASCII

Today's India Network Immigration Law Forum is published by the India Network Found
P.O. Box 556, Bowling Green, OH 43402, USA
Telephone: (419) 352 9335 Fax: (419) 352 9334
Tue 23 Feb 1999

THE IMMIGRATION LAW FORUM - A SERVICE OF THE INDIA NETWORK FOUNDATION

Edited and Contributed BY SHEELA MURTHY

SUBMISSIONS TO FORUM SHOULD BE SENT TO: FORUM@INDNET.ORG
with appropriate subject line (limit your question to 20 lines).

Questions will be answered by Attorney Murthy through private e-mail on
first come first basis.

For old and latest Digests, check out our WorldWide Web at
<http://www.indnet.org>

*****Forwarding of Digests is Prohibited*****

MESSAGES WITHOUT A SUBJECT LINE WILL BE RETURNED.

Contributions to support IMMNET can be made by check made payable to:
"INDIA NETWORK FOUNDATION"

and mail the check to:

India Network, P.O. Box 556, Bowling Green, OH 43402, USA

IMMNET Immigration Law Update Bulletin

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FEBRUARY 1999 - VOL 4, Issue No 2

Dear IMMNET Subscribers:

This Bulletin contains updated information on recent developments in
U.S. immigration law & policy and is mailed only to subscribers of
the IMMNET Bulletin.

DISCLAIMER : This Bulletin does not intend to establish an
attorney-client relationship.

The information provided below is of a general nature and may not
apply to any particular set of facts or circumstances. It **should
not be construed as legal advice** and does not constitute an
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14. Overview of Basic Banking in the U.S.

We have finally progressed in the political front beyond the impeachment hearings and hopefully can move on with the country's business now. The Republican Congress may have been burnt to some extent, at the very least, by pursuing impeachment when polls indicated that approximately 70% of the country wanted a closure of the witch hunt against President Clinton, however much he may have acted reprehensibly. In retrospect, the impeachment may have been a double edged sword from an immigration law perspective. While the bad news is that our time and resources were squandered on this trial, the silver lining is that the Republican majority Congress did not have any time to pass any anti-immigration laws!

I traveled to Los Angeles earlier in February 1999 to attend the American Bar Associations meeting of the Coordinating Committee on Immigration Law (ABA meeting). It is important to understand that even though we believe that immigration laws are unfair to employment based applicants with the slow processing time taken by the INS with respect to many petitions, including employment based cases, we are fortunate that in fact, employment based immigration is generally given preference by the INS (believe it or not). At the ABA meeting, there were detailed presentations of immigrant agricultural workers

and their sorry plight in terms of jobs, wages, hours worked and lack of housing that should make us realize how lucky we are and often tend to forget it.

It is that time of the year again to celebrate the achievements of immigrants and their contributions to this great nation. The celebrations are on Friday, March 19, 1999 in Washington D.C. Previous award recipients include U.S. Secretary of State, Madeleine Albright; Ruth Westheimer, sexologist; Ted Koppel T.V. Host of NBC Nightline program; and other luminaries. The Law Office of Sheela Murthy will be a sponsor of this program since the funds benefit AILF. The American Immigration Law Foundation (AILF) is the advocacy and media arm of the American Immigration Lawyers Association. Do consider contributions to this worth while cause. Those interested can review the details in the article in this Bulletin or send us an email at law@murthy.com

In this February 1999 edition of the Immigration Law Bulletin of the Law Office of Sheela Murthy, we have continued the theme of focusing on employment based immigration in accordance with the request of the overwhelming number of our readers and clients.

We have provided a brief outline of the regulations proposed by the U.S. Department of Labor for the H1B regulations under the 1998 law. We have also discussed INS policies and procedures and an interesting article which discusses the statistics of immigration to the United States, touching upon the fact that the top 5 countries responsible for H1B non-immigrants in the U.S. are currently India, the United Kingdom, Japan, Philippines and Germany.

I have been often asked questions by both employers and employees on the H1B cap issue and we have provided you the latest statistics as provided by the INS. As of January 31, 1999, we have apparently utilized approximately 70,000 H1Bs against the increased quota of 115,000 for this fiscal year. Although there are no guarantees, there is a chance that the H1B numbers will be exhausted by the summer of 1999. The other theme of providing an overview on an aspect of immigrant life is a simple summary of banking in the U.S.

As always, we hope that you find the Immigration Law Bulletin of the Law Office of Sheela Murthy helpful and informative. May it provide you some guidance on the complex and ever changing environment of immigration laws. Ultimately, we hope that our Bulletin helps you to plan your strategy, take remedial action, file a Petition earlier than you intended or provide some other relief you would not have thought of, but for this Bulletin, so that you can have a good nights rest -- which from my personal experience can be invaluable!

1. Immigrant Visa Numbers for March 1999

Please look up our website at <http://www.murthy.com/tolaw/txdates.html> for the March 1999 dates. (Since the dates are formatted with tables and the fact that e-mail programs do not keep the data in place, it is highly recommended that you check out this information at the website. If you do not have access to the web, please feel free to e-mail webmaster@murthy.com and request for the information be sent by e-mail.)

2. DOL Issues H-1 Regulations under ACWIA

In the previous edition of the Law Office of Sheela Murthy Bulletin, we included an article on the INS regulations implementing the new \$500 U.S. worker training fee imposed for new H-1 petitions filed on or after December 1, 1998. The Department of Labor (DOL) has also published proposed regulations on some of the other aspects of the H-1 law under the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA). Please note that these regulations are only proposed, rather than final regulations.

The proposed rules were over 50 pages and detailed. We have highlighted the following proposed regulations to provide an easy to digest overview:

a. Benching

The regulation provides examples of breaks in employment which do not constitute benching. For instance, if the employee takes a leave of absence at his or her own request, then this is not benching and therefore the employer would not be required to pay the wage during this period.

Note that since these regulations are from DOL, which is mainly concerned with pay issues, they do not address the issue of the employees status. An H-1 employee who takes a leave of absence and does not change to a non-working status, will generally be violating H-1 status.

b. Temporary assignments at other sites

In general, the employee can take short-term assignments in a location which is not covered by a certified Labor Condition Application (LCA), as long as that assignment is for less than 90 days.

c. Exempt employees

As we mentioned when we provided an overview of ACWIA in an earlier Immigration Law Bulletin of the Law Office of Sheela Murthy, there are new attestations for so-called H-1 dependent employers. We indicated that the new attestations are not required for an H-1 candidate with a masters degree, or if the H1B employee will be paid a salary of \$60,000 or more per year. The proposed DOL rule states that experience would not be considered as equivalent to a masters degree. The candidate must have either a U.S. masters degree, or an equivalent foreign degree. If the beneficiary does not have a masters degree, then a salary of \$60,000 or more each year will exempt the employer from additional attestations, but that figure cannot include benefits. In addition, H1B workers should be offered similar benefits as U.S. workers.

d. Non-displacement attestation

One of the new attestations (on the LCA) for H-1 dependent employers is that they have not displaced, and will not displace, a U.S. worker who holds a similar or essentially equivalent job. The proposed regulation provides some guidance as to what criteria could be used to determine whether a job is essentially equivalent. However, the proposed regulation contains only a discussion of this issue, rather than actual regulatory language. Presumably, the final rule will include more specific guidelines.

e. Departure penalties

Before an employer could enforce a departure penalty provision in an

employment contract against an H1B employee, the employer would first have to obtain a judgment against the employee from a state court. If the contract provision violates state law, then such a judgment could not be obtained, so this rule would help to ensure that state employment laws are complied with.

The Law Office of Sheela Murthy will provide an update when the final rules are published. The deadline for submitting comments to DOL was extended to February 19, 1999. The American Immigration Lawyers Association (AILA) has provided exhaustive comments expressing concern over, among other issues, the fact that the DOL is usurping authority not vested to it under the ACWIA and imposing unreasonable burdens on U.S. employers. Stay tuned for any updates.

3. Lottery Winners can file their Adjustment (I-485) Applications Early

In order to obtain ones permanent resident status or green card after being selected under the DV program (diversity visa, also known as visa lottery), it is necessary to file for adjustment of status to permanent residence (if eligible and in the U.S.) or to process for a visa at a consulate abroad. All green card applicants must go through one of these two processes, but for lottery winners there is a time deadline, because their cases must be approved within that particular fiscal year (by September 30). Every year, there are many sad, even tragic, cases of deserving persons who simply run out of time, often caused by INS delays in processing the file.

In order to relieve some of this time pressure, the U.S. Department of State has announced that it will begin providing the cut-off numbers 90 days early. (More persons are selected than can actually receive visas, and each winner is assigned a ranking number. Every month the cut-off numbers are announced.) In addition, the INS has issued a bulletin stating that it will accept DV adjustment of status applications 90 days in advance. In that way, INS can begin processing the required security clearance background checks, as well as scheduling interviews. Cases will not be approved until ones cut-off date is current, but it is hoped that filing early will enhance an applicants chances of receiving an approval in time.

As we have pointed out in earlier editions of the Immigration Law Bulletin of the Law Office of Sheela Murthy, persons in oversubscribed countries like India and China are not eligible to participate in the visa lottery program, but since nationality for DV purposes is determined by the country of birth, it is possible for example for a person of Indian origin or Chinese origin who is born in a qualifying country, to participate in the visa lottery program. It is also possible to qualify based on ones spouses country of birth. We will advise our readers when the U.S. State Department releases information for this years program.

4. Documentation for U.S. Citizenship of Children Born Abroad

The Law Office of Sheela Murthy has received several emails on the procedure for a child born abroad to obtain citizenship. Accordingly, we decided to provide an overview of the process here.

As many of you may be aware, children born on U.S. soil are considered U.S. citizens regardless of the legal status of their parents. Children born outside of the United States may obtain U. S. citizenship status at birth if one or both parents are U. S.

2002 "EBC" and "CC"

citizens; however, certain documentary procedures must be followed as provided in the guidelines issued by the State Department.

The birth of a child should be reported as soon as possible in order to establish an official record of the child's claim to U.S. citizenship at birth. This is done by filing a Consular Report of Birth or FS-240, which is a basic United States citizenship document that was revised in a new format in 1990. The Consular Report of Birth can be prepared only at a U.S. overseas consular office for a child under the age of 18 and the original is provided to the parents when the registration is approved by the consulate in the country where the child is born.

The submission of the following documentation is required by U.S. law for filing of the FS-240:

- (a) an official record of the child's foreign birth;
- (b) evidence of the U.S. citizenship of the parent(s), such as a certified birth certificate, current U.S. passport or a Certificate of Naturalization or Citizenship;
- (c) evidence of the parents marriage, if applicable; and
- (e) affidavits of the parent(s) residence and physical presence in the U.S. Further evidence or certified documentation may be required in some cases, such as affidavits of paternity and support, divorce decrees from prior marriages or medical reports of blood compatibility, especially in cases where there are factual disputes or reason for the consular officer to suspect fraud.

If an FS-240 is recorded, a Certification of Report of Birth (DS-1350) can be issued in multiple copies with the same information available on the Consular Report of Birth and is acceptable for all legal purposes. The DS-1350 is not issued overseas, but rather by the U.S. Department of State in the U.S. The Consular Report of Birth can be corrected or amended only by written request, and accompanied by certified documentation and the original or replacement FS-240 or a notarized affidavit if the FS-240 is not available.

As you can see, the process certainly appears cumbersome compared to having a child on U.S. soil. Another issue, though not directly related which is often requested of the Law Office of Sheela Murthy in emails, is what immigration benefits, if any, does a U.S. citizen child confer on non-immigrant parents, or parents who may be out of status. Under existing law, such a child can confer immigrant status on the parents only when the child attains the age of 21 years!

5. Bill proposed in Congress for Deportation of those Associating with Terrorists

It appears that the anti-immigrant sentiment is again rearing its ugly head. As we have pointed out in earlier editions of the Immigration Law Bulletin of the Law Office of Sheela Murthy, from time to time, we have seen strong anti-immigrant Bills. Fortunately not all Bills become the law, as we explained in the Editorial comments in our January 1999 Immigration Law Bulletin.

One such example is a bill that has been proposed which authorizes the deportation of non-citizens who associate with any individual the alien knows or has reason to believe is designated [by the U.S. State Department] as a terrorist.... Such a law, if passed, would almost

certainly be unconstitutional. Considering how often the U.S. Constitution has been mentioned during the impeachment proceedings, one would think that the members of Congress would have a better understanding of that oft quoted document which is regarded as the basis of all of our liberties and freedoms. In this country, freedom of association is a guaranteed right.

Furthermore, there is no definition of associate with in the bill. For example, if your cousin belongs to a so-called terrorist organization, and you see him at family gatherings, is the whole family deportable? If your friends spouse fits the definition of known terrorist, does that mean you cannot visit with your friend?

It appears that not much thought has gone into the drafting of this bill. For us as lawyers, from the perspective of being watch dogs for certain freedoms inherent in the U.S. Constitution, it is important that the government should never vest unbridled and unrestrained power in the hands of eager and zealous officials who can, in certain cases, use the law as a weapon for personal vendetta! Hopefully, this Bill will die a natural death like some others.

6.INS Vermont Service Center Update

On February 1, 1999, the American Immigration Lawyers Association (AILA) posted the minutes of their December 1998 liaison meeting with the Vermont Service Center (VSC). We provide some highlights below.

Location of filing I-129 and I-140 petitions

It is widely known, both to the immigrant community and to U.S. employers, that the VSC is a preferred location to file cases because the processing time is generally faster than at the three other Service Centers. Many companies are willing to go to great lengths to ensure that their cases will be processed at the VSC, including opening new branch offices or even moving their headquarters.

Even when the work location may be outside the VSC area, if the employer is located within that area, many attorneys, including the Law Office of Sheela Murthy have filed the petition at VSC, without any problem. However, a change may be in the works.

AILA representatives mentioned at the liaison meeting that VSC has typically been accepting cases filed by companies with corporate headquarters within VSCs jurisdiction, even if the job location is elsewhere. However, recently some attorneys have noted that VSC has rejected some of these filings and indicated that the petition should be filed in another location. AILA asked why the VSC had reversed its policy of accepting these cases.

In response, VSC denied that it had any such policy. VSC says that the proper filing location is where the beneficiary is to be working. If a case of this type has already been entered into the system, VSC will adjudicate it. However, if they catch the problem while the case is still in the mailroom, they will forward the case to the appropriate Center.

As we may have explained in an earlier edition of the Law Office of Sheela Murthy Immigration Law Bulletin, transfers of cases from one Service Center to another could result in interminable delays, to the detriment of the company and the employee.

Expediting I-140 Petitions

AILA asked whether processing of I-140 immigrant visa petitions could be expedited for beneficiaries who are close to reaching the limit on their non-immigrant stay, for example 6 years on an H-1. INS says that expedites will not be granted on a routine basis. In accordance with INS policy, all expedite requests are considered on a case-by-case basis.

As a practical matter, a great many cases involve the above situation and it is most likely impossible to expedite them all. As the Service Centers often remind us, every time they expedite a case, they are slowing down other cases because the expedited case is placed ahead of the others. In an emergency, an expedite can be a valuable tool, and Service Center personnel can be (surprisingly) helpful. But the above situation, while an emergency to the individuals involved, is probably too common to be considered an emergency by the INS, unless there are other circumstances, for example, a child about to turn 21 years of age in the near future, that may be considered a reasonable basis for an expedite. Discuss this matter with your attorney.

Adjustment of status (I-485) processing times

In response to the question of whether I-485 processing times vary according to case type, the answer was that in general all I-485's have the same processing time. Exceptions are: (a) diversity visa (lottery) cases and (b) cases in which a dependent child is about to turn 21.

VSC is in the process of updating processing time estimates on both the phone system and receipt notices. Processing times have been indicated as 90 to 180 days for some time, even though the usual processing time is generally one year or longer for most I-485s. The new phone recording and receipt notices will state a processing time of 360 days.

Changes of address after approval of I-485 and prior to issuance of actual green card

VSC advises that the best way to inform them of an address change in this situation is to call them. An Information Officer can make this change immediately at the time of the phone call. If an address change is requested in writing, it may take several weeks to be processed, depending upon the backlog of correspondence received at the Center.

7:H-1B Cap Update: 70,000 H1Bs Issued as of January 31, 1999

As of December 31, 1998, about 60,000, or half of the 1999 quota of H1Bs, were issued according to INS. Now we have more recent statistics as of January 31, 1999 with 70,471 H1Bs having been applied against the 115,000 quota for this fiscal year. It is important to keep in mind that the 70,471 number includes those H1B Petitions which were approved from May 11, 1998 through September 30, 1998, during the last fiscal year but were applied against this years quota.

Predictions are extremely difficult, especially since certain factors, like the new \$500 fee or the additional attestations for H1B dependent employers may dissuade some employers, so the number of petitions per month may decrease. Sources say that the quota may be filled some time during the summer of 1999, but even according to

INS, at this point, it is just too early to tell. The Law Office of Sheela Murthy will continue to provide updates as more information becomes available.

8.Implementation of New Certification Requirements for Nurses and Occupational Therapists As we reported in earlier Law Office of Sheela Murthy Bulletins, section 343 of the 1996 Immigration Act imposed new certification requirements for certain non-physician healthcare workers, including nurses, physical therapists, and occupational therapists, among others. We also reported that implementing regulations have been issued with respect to nurses and occupational therapists, and those regulations became effective in mid-December 1998. (As we may have mentioned before, these are only interim, not final, regulations.)

9. Student Corner: You have one year of Practical Training-- What happens next?

issue approvals. In addition, the H-1 cap may also be a factor in favor of starting the process early. The H-1 process begins with determination of the prevailing wage. An H-1 employer is required to pay the higher of: the prevailing wage for the position in the local area, or the actual wage paid to employees at the company who hold similar positions. The most common method of finding the prevailing wage is to request the state labor agency to issue a prevailing wage determination. However, sometimes other sources of wage information, such as published surveys, can be used, provided they meet legal requirements. The prevailing wage data as well as other basic information is then entered onto a one-page form, known as a labor condition application or LCA, that is submitted to the Department of Labor (DOL). DOL then certifies the LCA and returns it.

The next step is to submit the petition form to INS, along with the LCA as well as information on the company and the nature and duties of position and the employee/beneficiary's background and education. Depending upon the location of the employment, it can take anywhere from 3 weeks to 5 months for the INS to approve the petition.

The processing time by the INS varies depending on where the application was filed, which in turn depends on the location of the job. Processing times at the four INS Service Centers are approximately as follows: 3 to 4 weeks at the Vermont Service Center, to 4 months or longer, with the Texas Service Center or the California Service Center. The processing time at the Nebraska Service Center is somewhere in between, depending on their caseload. As you may know, there are four INS Service Centers, and they vary quite a bit in terms of processing times.

During the past few months, the Centers have been experiencing additional delays, most likely due to the large number of cases that were submitted during November 1998, prior to a fee increase taking effect on December 1, 1998. Lately, we have seen these delays ease at the Vermont Service Center, and hopefully the other locations will get back to normal shortly as well.

As an aside, in January 1999, the Texas Service Center stated that it is now processing H1B Petitions within 30 days. We hope that turns out to be accurate and if so, that the processing continues at this rate.

The Law Office of Sheela Murthy regularly posts the processing times released by the Service Centers when they provide that information to the American Immigration Lawyers Association.

An H-1 petition filed on behalf of an F-1 student would generally be filed requesting a change of status, so that if the student is in valid status, the person would be eligible to obtain a change of status within the United States without having to travel abroad when the H1B petition is approved. If the H1B beneficiary needs to travel abroad at some point, it is necessary to obtain an H-1 visa stamp in the passport from a consulate abroad in order to re-enter the U.S. in H1B status.

10.1997 U.S. Immigration Figures Compiled

According to Immigration and Naturalization Service numbers released on January 22, 1999, 38,071 Indians legally immigrated to the United States during fiscal year 1997. Of the 798,378 total number of immigrants to the U.S. in 1997, Indians represented 4.8% as the fifth largest group of immigrants, preceded only by Mexicans, Filipinos,

Chinese and Vietnamese. Although 6,788 more Indians migrated in 1996 to the United States, the percentage of Indians in the total immigration numbers remained fairly constant from 1994 through 1997, ranging from 4.3% to 4.9%.

As an aside, as we have pointed out in an earlier edition of the Immigration Law Bulletin of the Law Office of Sheela Murthy, India has the highest number of H1Bs in the U.S. The top 5 countries providing the U.S. with H1B professionals are as follows: India, the United Kingdom, Japan, Philippines and Germany.

Pakistan, with a total of 12,967 migrants representing 1.6 % of the total numbers for 1997, was 15th in the top 20 of nations with the most immigrants to the U. S. The figures for Pakistan have risen from 1.1% in 1994 and 1.4% in 1995 and 1996. Bangladesh, which was the largest beneficiary of the DV lottery program in South Asia, did not make the top twenty list.

Mexico was the largest contributor to U. S. immigration with 146,865 immigrants representing 18.4% of the total, thereby making North America the largest geographic source of immigrants with 307,488 (38.5%), followed by Asia with 265,786 (33.3%) and Europe with 119,989 (15.0%).

Where do these immigrants want to live once they relocate to the United States? The Big Apple is the perennial favorite, receiving a whopping 13.5% of the immigrants. The Los Angeles-Long Beach, CA area took in 7.8%, Miami, FL , 5.7%, Chicago, IL, 4.4% and the Washington D.C.-MD-VA area, 3.9% of all immigrants.

The number of aliens granted legal permanent residency in 1997 declined from 1996 by 13% to 915,900 aliens. This decrease was attributed by the INS to an increase in the number of adjustment of status applications pending a decision, and was not related to any decline in the demand to immigrate. The reduction in the family preference limit from 311,819 to 226,000 was also a factor in the decline in immigration numbers. Immediate family members of U.S. citizens rose to 322,330 which is 40.4% of all immigrants.

The INS reports that it processed a record 1.6 million naturalization applications in 1997. As a result of the tremendous backlog of 1.8 million applications for citizenship last year, the U.S. raised the citizenship application fees from \$95 to \$225 in January 1999. INS estimates that 700,000 aliens will start the process to become naturalized citizens this year.

----- 11. Naturalization Processing: Higher Fees, Slower Service

As readers of the Law Office of Sheela murthy's Immigration Law Bulletin are aware, INS increased fees for most applications and petitions on October 13, 1998. However, the fee increase for the Application for Naturalization, N-400, was postponed to January 15, 1999, in order that improvements in processing times could take place before the fee increase went into effect. While the substantial fee increase, from \$95 to \$225, took effect on schedule, the promised improvements by the INS failed to materialize. Over 1.8 million people are now caught in the naturalization backlog.

When INS enacted the fee increases, the agency promised that improvements in its service would be part of the package. As INS continues to shift more of the work to the Service Centers, the INS needs to also allocate the necessary funds to handle that increased

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workload. The local District Offices, too, need more resources.

The Law Office of Sheela Murthy certainly hopes that these new funds in the fee account will be allocated to the timely processing of naturalization and other immigration applications. An unnamed source from one of the INS Service Centers has stated that the amount generated in fees in one month is about the same as the Centers actual budget for a whole year for services, meaning that the money is going elsewhere. What has tended to happen historically is that money from the examinations fee account (application fees) has been diverted to enforcement. The 1996 law authorized additional funds for enhanced border patrol efforts, to defray costs associated with detention and removal, and to hire more investigators, but not for hiring more examiners to process applications.

Of course, if the rules that apply to private companies applied to the INS, they would have to reinvest more funds towards service and to those who are paying for it. Unfortunately, that is not the case and it seems that unless the American Immigration Lawyers Association and individuals challenge or file a lawsuit against federal agencies, they tend to be complacent towards their service obligations. One encouraging note is that INS is emphasizing naturalization in its latest budget request, and is touting improvements to the naturalization process as one of its major goals. One can only hope.

12. Fourth Annual Immigrant Achievement Awards in March 1999 in Washington D.C.

It is that time of the year again to celebrate the achievements of immigrants and their contributions to this great nation. The celebrations are on Friday, March 19, 1999, at the Meridian House in Washington D.C. from 7 P.M. - 10 P.M. Those interested are invited to attend the awards ceremony. Previous award recipients include U.S. Secretary of State Madeleine Albright; Ruth Westheimer, sexologist; Ted Koppel, T.V. Host of NBC Nightline program, etc.

The Law Office of Sheela Murthy will be a sponsor of this program since the funds benefit the American Immigration Law Foundation (AILF), which is the advocacy and media arm of the American Immigration Lawyers Association. AILF is very active to promote the cause of immigrants in the U.S. Since not all of us have the time to actively lobby on a regular basis and yet many of us benefit from the wonderful work of AILF, it is an opportunity for each of us to contribute to a worthwhile cause.

For this years ceremony, the Master of Ceremonies is Nina Totenberg, National Public Radios Legal Correspondent. Among the honorees this year are Philip Anderson, President, American Bar Association; Jeong Kim, President of Carrier Networks at Lucent Technologies; Patrick Oliphant, Political Cartoonist, Painter, Sculptor; Grandmaster Jhoon Rhee, Father of American Tae Kwon Do and Roman Totenberg, Professor Emeritus of Music, Boston University.

Those of you who are interested in attending the Fourth Annual Immigrant Achievement Awards on Friday, March 19, 1999 at 7:00 p.m. please send us an email. Tickets are available for \$150 per person. For those companies or individuals who are interested in sponsoring the event, sponsorships can range from \$2,500 up to \$10,000. It is a really good cause and an opportunity to participate in work of such an important organization.

13. Fundraising Breakfast

In continuing with the theme of working for pro immigration legislation and lobbying for politicians who will help our cause, the Law Office of Sheela Murthy will help in organizing a fundraising breakfast for those we believe will make a difference for all of us. Here is another opportunity to participate in our democratic process!

There is no point in complaining when things do not work or if immigration is reduced or eliminated, as was threatened with the Immigration Moratorium Bill introduced late in 1998 in the U.S. Congress, for when we have a chance we need to do something about it.

The breakfast will likely be scheduled for mid or late March 1999. Those interested in participating or contributing any amounts to the fundraiser, please send us an email to law@murthy.com

14. Basic Banking

The Law Office of Sheela Murthy provides this article as a service to our immigrant community. This article provides a general overview of the banking process in the U.S. for a person coming from abroad or a person who is not familiar with the banking system in the U.S. *NOTE: This information is general in nature and it is advised that you check with your institution about local and current conditions.

Once you have relocated to the U.S. (whether for work or school, temporarily or permanently), you will probably want to open a bank account. This is generally a very simple procedure for most Americans but can be complex for foreign nationals. For some who do not have a Social Security number, the bank will generally not allow the person to open an account. In such cases, it is advisable to obtain a Federal Identification Number (FIN) from the Internal Revenue Service (IRS) to enable the person to open a bank account. The IRS has a Form W-8 for this purpose. If it is not available at your bank, you can order it from IRS by calling 1-800-TAX-FORM.

What is less simple is the myriad of variations and choices offered from one financial institution to another. You may decide to go with a large, national or regional bank or with a small, locally owned and operated bank. You may choose to put your money in a Savings and Loan or perhaps through your employer you can add a Credit Union to your list of options. Decide what you need, what you want and for what reasons. Then, do your research and go shopping for the best deal you can find. If you find reasons for having accounts in more than one place and can do so without spreading your finances too thin (such as making it a strain to maintain a required minimum balance in each one), this is perfectly acceptable. Some people do this to spread their risks but most people will not be adversely affected by risks unless they have over \$100,000 in each persons name in each bank account since the Federal Deposit Insurance Corporation (FDIC) insures up to \$100,000 for each account holder in FDIC insured banks.

Aside from conventional banks, these are some options you may find:

a) Savings and Loans are full-service financial institutions which hold your dividend-bearing share and make investments mostly in the form of loans on home mortgages.

b) Some businesses, mostly government or non-profit organizations or groups, make employee-owned Credit Unions available as an employment benefit. The Credit Union also offers full-service banking. Any

profits are returned to the members in lower interest rates on loans, higher interest on savings and checking accounts and dividends which are distributed amongst the members. You can find out from the benefits office in your place of work if this is offered to you. Your money is guaranteed up to certain limits by the government in a Savings and Loan or a Credit Union as well as in a bank, as explained above.

Note: Credit Unions are under fire from the big banking institutions right now. If you are considering a credit union, we suggest that you stay informed as new regulations may be instituted by the government.

The two basic accounts you may wish to begin with are Savings and Checking. But within these, there are many differences to consider. Banks not only offer straight savings accounts but money market accounts (not to be confused with money market funds), Christmas Club accounts and others. They may require a minimum balance for any account. Some offer interest on your checking balance. Some may require a minimum balance for the savings account, but not the checking. Some will just stop paying interest if your balance goes below the required minimum. Others will begin to actually charge your account because you have fallen below the minimum and you will see your balance fall each month!

Shop around for the bank that offers the services you need and desire with the best available interest rate which is paid to you for keeping your money with them.

Maintaining a bank account is a step toward establishing a good credit history in the US. This will prove quite helpful when you are ready to apply for a credit card, a mortgage or business loan or to buy a car.

While looking for a banking situation which meets your needs, remember that this is YOUR money and you are doing them the favor of giving them your business!

DISCLAIMER : This Bulletin does not intend to establish an attorney-client relationship.

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Please be advised that if you have a case specific question/situation on an immigration matter, you should consult with an attorney who concentrates in the area of immigration law.

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2002-04-30 10:06

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Reply-To: forum@indnet.org
Sender: India Network Immigration Law Forum <IMMNET@KVRao.ORG>
From: Editor <editor@indnet.org>
Subject: IMMNET BULLETIN March 1999
Comments: To: IMMNET@indnet.org
Content-Type: TEXT/PLAIN; charset=US-ASCII

Today's India Network Immigration Law Forum is published by the India Network Found
P.O. Box 556, Bowling Green, OH 43402, USA
Telephone: (419) 352 9335 Fax: (419) 352 9334
Thu 18 Mar 1999

THE IMMIGRATION LAW FORUM - A SERVICE OF THE INDIA NETWORK FOUNDATION

Edited and Contributed BY SHEELA MURTHY

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Date: March 1999. VOL. V, no. 3

Dear IMMNET Subscribers:

This Bulletin contains updated information on recent developments in
U.S. immigration law & policy.

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*** H1B Cap Update ***

The Law Office of Sheela Murthy contacted the American Immigration Lawyers Association on Thursday, March 18, 1999 to inquire about the status of the H1B cap. AILA informed us that as of February 28, 1999, only 80,983 had been used. Approximately, 10,000 H1B Petitions have been approved each month during the last few months. They believe that 35,000 H1B Petitions are pending with INS and accordingly, those waiting to file should do so promptly.

The Law Office of Sheela Murthy will continue to provide updates as we receive them from official sources.

Attorney Murthy's Editorial Comments

In this March 1999 issue of the Immigration Law Bulletin of the Law Office of Sheela Murthy, there have been no dramatic new developments in immigration law. Thank goodness for that; we have been encountering more unpleasant news than we care to for the last year or two from the U.S. Congress on immigration law issues.

Even the good news of the increase in the H1B quota has created a new classification of H1B dependent employers and onerous burdens on all employers, not merely H1B dependent employers, as interpreted by the interim regulations of the U.S. Department of Labor. In response to the Department of Labor's interim regulations, the American Immigration Lawyers Association has submitted its detailed response and comments criticizing the Interim Regulations as being far reaching and placing onerous burdens on all H1B employers by requiring maintenance of additional documents and paper work which is impractical, uneconomical and close to impossible to comply with. The

AILA response is detailed and we are yet to receive the final regulations.

On a different note, in an update of the Texas Service Center (TSC) processing report times in March 1999, the Director of the TSC pointed out that the TSC is taking over 1,000 days to process I 485 Adjustment of Status applications!! This is an indication of the break-down of the system, giving impetus to various proposals to fundamentally overhaul INS itself. It is unacceptable that after increasing INS filing fees, we have not encountered an improvement in INS services but rather a continued deterioration on many fronts. As a member of the AILA National's INS Reorganization Committee, I hope that INS will re engineer itself to ensure its viability. We have meetings scheduled with the INS Headquarters to discuss these and other issues of mutual concern.

For those of you who offered to contribute to Senator Abraham's fund-raiser, we thank you but at this time, we have been very fortunate and succeeded in obtaining between \$25,000- \$50,000. The minimum amount of contributions were \$500 for the breakfast meeting with many people contributing \$1,000 per person!! We may have a future event at which smaller contributions will be accepted but we were short on time and had to meet a minimum of \$25,000 within a few weeks.

In continuation of the theme of the Law Office of Sheela Murthy's Immigration Law Bulletin, in this month's Bulletin, we have included an article of general benefit dealing with renting or buying a home in the United States. The pleasure of owning a piece of the real property of this great country, which many of us seek to make our home as new immigrants or intending immigrants, cannot be underestimated. We hope that this article will provide you some useful tips and guidance to help you to realize this dream.

We hope you learn and benefit from this Bulletin too!

1. Immigrant Visa Numbers for April 1999.

NOTE: If the dates in the columns appear out of place, please copy and paste the table into a plain text editor (like Notepad) or go to our website at this URL: <http://www.murthy.com/txlaw/txdates.html>

	All Charge- ability Areas Except Those Listed	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES
Family					
1st	15NOV97	15NOV97	15NOV97	01AUG93	08JUL87
2A*	22SEP94	22SEP94	22SEP94	22AUG93	22SEP94
2B	15MAY92	15MAY92	15MAY92	22JUL91	15MAY92
3rd	15JUL95	15JUL95	15JUL95	01SEP90	15MAY87
4th	22JUN88	22JUN88	01JUL86	15FEB88	15NOV78

*NOTE: For April, 2A numbers EXEMPT from per-country limit are available to applicants from all countries with priority dates earlier than 22AUG93. 2A numbers SUBJECT to per-country limit are

available to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 22AUG93 and earlier than 22SEP94. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

	All Charge- ability Areas Except Those Listed	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES
Employment- Based					
1st	C	01MAR98	C	C	C
2nd	C	15NOV96	15OCT97	C	C
3rd	C	22FEB95	01MAR96	C	C
Other Workers	01AUG92	01AUG92	01AUG92	01AUG92	01AUG92
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	22APR98	C	C	C
Targeted Employ- ment Areas/ Regional Centers	C	22APR98	C	C	C

2. Update on Procedures at Madras/Chennai Consulate

The correspondent office of the Law Office of Sheela Murthy in Madras (Chennai) has provided the following information on recent hours and procedures at the Chennai consulate. For a thorough overview of non-immigrant visa application procedures at the Chennai consulate, based on a meeting between Attorney Murthy and the Chief of the Non-Immigrant Visa section at Chennai, please review the January 1999 Immigration Law Bulletin of the Law Office of Sheela Murthy available at our website. This is just an update.

Beginning March 25, 1999, the entire consular section will be closed on the last Thursday of each month, both for visa applications and for American citizen services. The non-immigrant visa hours will remain the same, Monday through Friday between 8-15 a.m. to 5 p.m. All visa applicants must arrive by 9 a.m to submit their documents for processing.

>From March 8, 1999, American citizens requiring routine services, such as passport renewals, reports of birth and notarizing of documents should visit the consulate only between 1 p.m and 4 p.m. Monday to Friday. Americans in need of emergency services involving injury or missing persons can contact the Consulate at any time.

3. Naturalization Update from INS

INS has announced that it is making great strides in improving naturalization processing. The agency reports an almost 100 percent increase in the number of naturalization applications completed per quarter, an increase in the number of people fingerprinted, and a decline in the fingerprint rejection rate. All of this appears to be very good news.

The Law Office of Sheela Murthy has still not observed any decrease in processing times; in fact, it appears that processing times continue to be very slow. INS is hopeful that processing times for naturalization, which in many places can be as much as two years, will be reduced to one year by October 1999, and to six months by October 2000. And indeed, INS has received additional resources that are earmarked for naturalization improvements, including hiring more Examiners and establishing a telephone customer service center. The fee for naturalization applications, as our readers know, has also increased, supposedly to "recoup the actual cost of processing." However, it is still unclear if that money will actually be channeled into service improvements for persons paying those higher fees, or whether it will go to pay for other priorities, such as enforcement or border patrol.

In its announcement, INS proudly stated that it was improving integrity by implementing the new fingerprinting procedure, by which applicants are fingerprinted at an INS facility. It is odd that INS takes credit for this change, when it was actually Congress, in a Justice Department Appropriations Bill, that ended the use of private fingerprinting agencies and prompted the opening of the new INS fingerprinting facilities. The INS statement also acknowledges certain problems, including high staff turnover, as well as systems and software problems.

A positive development of the INS that the Law Office of Sheela Murthy would like to comment on is the new "Guide to Naturalization," which can be obtained by visiting your local INS office, calling the INS Forms Line at 1-800-870-FORM (3676), or checking out the INS website (www.ins.usdoj.gov). This guide provides information on naturalization criteria and procedures, along with a helpful work sheet to help determine one's eligibility to apply. The Guide also includes a checklist of documents, as well as naturalization test questions.

4. Department of State Issues Proposed Rule on Passport Revocation

The State Department has proposed a regulation setting forth new grounds for revoking a passport or a Consular Report of Birth. (For general information regarding Consular Reports of Birth, see article in the February 1999 Bulletin of the Law Office of Sheela Murthy.) The proposed rule states that if a person has obtained the above document by fraud or misrepresentation, or in error, the Department of State reserves the right to revoke such a document. It also provides for cancellation of the U.S. passport when a person has been denaturalized. Please keep in mind that a person can be denaturalized under certain circumstances, such as voluntarily relinquishing U.S. citizenship or if it is revealed that a person committed fraud in obtaining U.S. permanent resident status or citizenship etc. In addition, new procedures are proposed for appeals of actions taken to revoke a U.S. passport.

The Law Office of Sheela Murthy will provide an update when we have information about the final regulations. Please keep in mind that these are proposed rules only at this time. We will keep you posted

of further developments.

5. New Fee for J-1 Waiver Requests

Effective March 11, 1999, the United States Information Agency (USIA) is now charging a fee to cover the cost of processing waivers of the 2 year home country requirement imposed on certain J-1 visa holders. As many of the readers of the Law Office of Sheela Murthy Bulletin are aware, many participants in J-1 (exchange scholar) programs are subject to a requirement that they return to their country of last residence, or their native country, for two years. Unless they comply with this requirement, or obtain a waiver, they are not eligible to change status to H1B or to adjust status to permanent residence in the United States.

It is important to keep in mind that not all J-1 visa holders are subject to the 2 year home country requirement, set forth in section 212(e) of the Immigration and Nationality Act. The general rules are that if the person is in a graduate medical training (residency) program or in a program that is funded by the U.S. or the foreign government, then 212(e) applies. Also, if the person's area of study is on a list known as the "skills list," that designates areas of expertise needed by the person's country, then the requirement may apply as well. There are exceptions and sometimes it can be a complex matter to determine whether or not one is subject to 212(e). USIA has a procedure for issuing an opinion in a given case on this issue. Please note that the USIA does not charge a fee for such advisory opinions, and does not plan to do so, but has imposed the fee on J1 waiver applications.

There are a variety of methods for applying for waivers, depending upon the facts of the particular case, but all waiver requests are processed through the USIA, and it is up to that agency to issue a recommendation to INS. The actual decision on the waiver then comes from INS. According to USIA, regardless of the type of waiver request, the cost of processing is roughly the same. The agency has set the fee at \$136, based upon its calculation of the per unit cost of processing waiver requests.

6. Update on Iranian Sanctions

In an article for the September 1998 Bulletin of the Law Office of Sheela Murthy, we reported that in accordance with the Executive Order 12,959 providing for trade sanctions against Iran, the INS was no longer approving non-immigrant extension applications for Iranian nationals in categories such as F-1 and J-1 that require a foreign residence. Certain non-immigrant categories, including H1B and L-1, which do not require proof that one maintains a foreign residence and intends to return there were considered to be unaffected by the sanctions against Iranians.

Recently, however, INS Service Centers have been indicating that H1B petitions, as well as employment-based permanent petitions, must be denied based upon the above executive order. Such a policy is contrary to guidance that the Headquarters of INS provided to the American Immigration Lawyers Association (AILA) on this issue. According to INS Headquarters, INS is currently reviewing the sanctions requirements and has not yet determined what effect those sanctions may have on any petitions. There is currently no requirement to deny any petitions, but it is possible that INS may at

some point decide that the sanctions require such denials. INS will be consulting with other relevant agencies regarding the scope of the sanctions and what action may be needed to comply with the Executive Order.

Watch this space for further updates from the Law Office of Sheela Murthy.

7. State Department Instructs Consular Posts on Visa Issuance for Women's World Cup Soccer

The 1999 Women's World Cup will take place in the U.S. from June 19 through July 10, 1999. Accordingly, the U.S. Department of State has requested U.S. Consular posts abroad to make an effort to facilitate visa issuance for participants, including athletes, coaches, trainers, judges and other affiliated persons. This year's Women's World Cup event is the third women's world championship. Matches will be held in the following States in the U.S.: New Jersey, Massachusetts, Illinois, Oregon, Virginia and California.

Sixteen national teams, from the following countries will be competing: USA, China, North Korea, Canada, Japan, Brazil, Italy, Sweden, Norway, Denmark, Germany, Russia, Australia, Nigeria, Ghana, and Mexico.

The U.S. State Department requests that all consulates process the World Cup-related applications on an expedited basis for this high profile event. Most participants would be applying for B-1/B-2 visitor visas, though some persons may be applying in other categories such as H, O or P. Media representatives would obtain I (journalist) visas.

8. Student Corner: When Can I Work?

In last month's Law Office of Sheela Murthy Bulletin, our Student Corner feature explained what opportunities you may have after you have obtained one year of "practical training" authorization. In this month's issue, we would like to go back one step and discuss the employment possibilities for a person in F-1 status. If you are an F-1 student, you are probably aware that there are restrictions on working. When you initially obtained your I-20 form and F-1 visa, you had to show that you could afford to go to school without working, since the F-1 is a non-working status. However, there are some circumstances under which an F-1 can be employed. Information on all these options can be obtained from the Foreign Student Advisor (also known as the Designated School Official or DSO) at most Universities or schools. In most cases, that official must also authorize or recommend the employment of the foreign student.

On-Campus Employment

F-1 students are not allowed to work during their first academic year, except for on-campus work. This can include on-campus jobs such as in the library, as well as work at certain off-campus locations that have an educational affiliation with the school. When school is in session, work is limited to 20 hours per week. The student can work full time while school is not in session, for example during school vacations or in the summer.

Work Authorization Based on Unanticipated Economic Hardship

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As we mentioned above, in order to obtain a student visa or student status, most applicants need to establish that they have a source of financial support to pay tuition and other fees and living expenses. However, sometimes unexpected things happen. Events such as a currency devaluation, the death or serious illness of a person who was supporting the student, or other unanticipated disasters beyond one's control, can leave the student without the expected support. If the student is able to present documentation of the hardship to the satisfaction of the INS, then it can be possible to obtain work authorization from INS, with the assistance of the DSO.

Internship with an International Organization

Certain international organizations sponsor internship programs, and if the work is within the scope of that sponsorship arrangement, the DSO can place the appropriate endorsement on the student's Form I-20. The student then applies to INS for a work authorization card. The DSO at your school should be able to provide information as to what organizations would qualify for this program.

Practical Training: "Curricular" or "Optional"

Employment for the purpose of practical training must be related to the course of study, and cannot be for English language training. As with all student employment (with the exception of on-campus work) it cannot be undertaken during the first academic year (9 months) as an F-1 student. However, there are some exceptions to this restriction for certain special graduate programs. There are two types of practical training: curricular practical training and optional practical training. For either type, it is necessary to have the DSO provide a recommendation or endorsement.

Curricular Practical Training ("CPT")

Curricular Practical Training or CPT is an internship, cooperative education program or other employment that is actually required for one's course of study. The duration of CPT can vary depending upon the program. However, if a student obtains one year or more of CPT, it is not possible to engage in OPT after completion of the school program.

Optional Practical Training ("OPT")

OPT may be possible under the following circumstances: (a) during school vacations and other times when school is not in session; (b) during the school year, limited to 20 hours per week; (c) after completion of course requirements; and (d) after completion of the course of study.

The maximum period for OPT is 12 months. OPT during the study program and after graduation are added together to reach that maximum. For example, if a student had 3 months of OPT while in school, the student can have a maximum of 9 months of OPT after completion of studies. All post-completion OPT must be finished within 14 months of graduation.

When considering student employment opportunities, the Law Office of Sheela Murthy recommends that your first step should be to consult the DSO at your school. As we mentioned earlier, many students later change to H1B status.

In the October 1998 edition of the Law Office of Sheela Murthy's Immigration Law Bulletin, we indicated that while processing H1B Petitions, the INS Service Centers have been referring Indian educational and experience documentation to the Consulates in India for verification. We mentioned that INS at the time was finding a fairly high fraud rate, and we questioned the accuracy of that INS determination. Our November, 1998 Immigration Law Bulletin gave an update as to processing times for the verification requests.

INS has now revised that fraud rate downward, to 38% overall: 18% of academic documents and 36% of experience letters. These figures come from the Texas Service Center. Apparently, most of the document referrals are from the Texas and Nebraska Service Centers. Both Centers say that response time has been uneven, from 2 weeks to over 4 months to obtain verification from the Anti-Fraud Unit in India based on their efforts to track down information from Universities or previous employers.

10. Texas Service Center Update

On March 1, 1999, the American Immigration Lawyers Association (AILA) held a liaison meeting with the INS Texas Service Center (TSC). Several issues were discussed, but the biggest news was Service Center Director James Burzynski's statement that the current processing time for adjustment of status (I-485) cases is over 1,000 days!! That means that a person has to wait almost 3 years, after completing the labor certification and the I 140 Immigrant Petition approval, until the I 485 will be approved. In exchange for higher INS filing fees which should have brought improved processing times, all we find is additional backlogs which are unacceptably long.

One important question was "when is a case considered to be properly filed or delivered to TSC?" Sometimes there are deadlines, for example when a person's status is about to expire, or when the Service Center has requested additional information for which a response is required by a particular date. It is the TSC's position that an item is not properly received until it actually arrives at their street address. If it is sitting at the TSC post office box, it is not yet considered filed. TSC has generally advised the use of the post office boxes. However, AILA suggests that time-sensitive items be sent by courier to the street address instead.

11. INS Nebraska Service Center Processing Times

We received the following processing time report for the period ending January 29, 1999, courtesy of the American Immigration Lawyers Association.

NOTE: If the dates in the columns appear out of place, please copy and paste the table into a plain text editor (like Notepad) or go to our website at this URL: <http://www.murthy.com/txlaw/txnscop.html>

Days to
Process

Application/Petition Type

Receipt Date

From

To

I-90 Replacement Card	04/14/98	285	315
I-90A SAW	None Pending	30	60
I-102 Replacement of Arrival Document	04/02/98	319	349
I-129/S New Amended NI Worker	01/08/99;	297	327
I-129/F Fianc(e)	11/30/98	59	89
I-130 Spouse US	12/29/98	30	60
I-130 Spouse	01/27/98	360	380
I-130 Other Relatives	07/30/98	180	210
I-131 Reentry Permit/Ref Travel Doc	10/23/98	60	90
I-131 Advance Parole	12/29/98	30	60
I-140 Immigrant Worker	09/18/98	131	161
I-360 Pet for Widow/Spec. Imm.	11/16/98	70	100
I-485 Employment	05/26/98	243	273
I-485 Asylee	07/02/98	300	360
I-485 Refugee	07/02/98	300	360
I-526 Investor	11/06/98	40	70
I-539 Change/Extend NI Status	09/07/98	140	170
I-589 Asylum	Not adjudicated	15	30
I-698 Legalization-Adj to LPR	None pending	15	45
I-730 Refugee/Asylee Relative Pet.	09/07/98	140	170
I-751 Remove Conditions	12/14/98	45	75
I-765 Employment Authorization-A5	01/05/99	25	35
I-765 Employment Authorization-Other	12/07/98	75	90
I-817 Family Unity	06/30/98	210	240
I-824 Actions of Approved Petitions	07/03/98	206	236
I-829 Removal Conditions (Investors)	None Pending	15	30
N-400 Naturalization	Not Adjudicated	540	600
N-600 Application for Citizenship	Not Adjudicated	15	120
I-724 All Waivers	11/03/98	86	116
Total Pending Applications			
(All types, pending first time adj.)	89,336		

99.04.393.2907

12. INS Texas Service Center Processing Times

We received the following processing time report for the period ending January 31, 1999, courtesy of the American Immigration Lawyers Association.

NOTE: If the dates in the columns appear out of place, please copy and paste the table into a plain text editor (like Notepad) or go to our website at this URL: <http://www.murthy.com/txlaw/txtscp.html>

Process.	No. of cases in the Work		Days to			
Receipt			Initial			
Time/Days	Distribution					
Application/Petition	Process.	Date	From	To		
Unit						
I-90 Replacement Card	409	12/17/97	575	450	62,344	
I-90A Saw	0	Current	120	180	0	
I-111 Replacement of						
Arrival Card	0	11/27/98	60	90	0	
I-111 + 2 New Amended NI						
Worker	2	01/29/89	30	60	216	
I-129/L New	0	Current	30	40	0	
I-129 Other	0	Current	150	250	0	
I-129(F) Fianc(e)	6	01/25/99	30	40	0	
I-130 Spouse	271	04/29/98	180	270	28,321	
I-130 Other Relative	462	11/20/97	425	475	37,957	
I-131 Advance Parole	na	Current	10	20	0	
I-140 Immigrant Worker						
(1st & 2nd)	304	03/16/98	275	350	5,130	
I-140 Immigrant Worker						
(3rd)	228	05/15/98	200	275	2,581	
I-360 Petition for						
Widow/Spec. Imm.	381	01/19/98	240	400	1,234	
I-485 Adjustment	455	11/01/97	425	500	58,488	
I-526 Investor	321	03/09/98	300	375	71	
I-539 Chg/Ext NI Stat.-						

Employment-Based	00	Current	90	120	60
I-539 Cg/Ext NI Stat.-					
Other	155	08/26/98	150	200	15,729
I-589 Asylum	n/a	Current	30	60	00
I-698 Legal-Adj to LPR	469	11/15/97	450	525	458
I-724 Waivers	n/a	Current	60	90	00
I-730 Ref/Asylee Relative Pet.		na	filed at NSC		
I-751 Remove Conditions	22	01/08/99	60	90	138
I-765 Employment Auth.-					
Asylum Based	n/a	Current	15	30	00
I-765 Employment Auth.-					
Other	00	Current	60	90	00
I-817 Family Unity	237	06/04/98	180	270	1,436
I-824 Actions on					
Approved Pet.	18	01/13/99	120	180	3
I-829 Remove Conditions-					
Investor	235	06/03/98	200	250	99
N-400 Naturalization	n/a	Preprocess	550	730	

13. INS California Service Center Processing Times

We received the following processing time report for the period ending February 16, 1999, courtesy of the American Immigration Lawyers Association.

California Service Center (CSC)

NOTE: If the dates in the columns appear out of place, please copy and paste the table into a plain text editor (like Notepad) or go to our website at this URL: <http://www.murthy.com/txlaw/txcsc.html>

(Processing Dates)

PETITION TYPE	CASE DATE	DATA ENTRY DATE
I-129 H EOS	99-046	12/10/98
I-129 H2/H3	Current	
I-129 R	98-230	08/26/98
I-129 E	98-188	06/26/98
I-290/P/Q	99-084	02-03/99

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I-129 L	99-079	01-/25/99
I-129 H-1B COS	99-033	11/18/98
I-765 Special Students	99-067	02/04/99
I-765 Nonimmigrant	99-053	12/18/98
I-131	99-074	01/15/99
I-360 FPL/Widows/Widowers	99-062	12/29/98
I-360 BPL/Religious	98-090	02/09/99
I-539	98-198	07/15/98
I-140	98-195	07/10/98
I-130 M/C (Imm. Relative)*	99-036	11/19/98
I-130 Spouse (IR)	99-021	10/29/98
I-817 Extensions	98-219	08/13/98
I-90	98-218	08/12/98
I-824 BPL	98-239	09/09/98
I-824 FPL	98-095	02/18/98
I-824 RPL	99-003	10/05/98
I-765 (c) (8) (a) (11)	99-053	12/16/98
I-751	99-047	12/08/98
I-765 (c) (9)	98-011	10/16/98
I-485 (JIT Ready) Health Care Workers	98-014	10/21/97

*Does not include preference aliens

14. Renting a Home in the United States

This is a continuation of our series of articles in the Immigration Bulletin offering a basic overview of assorted issues especially relevant to new immigrants who wish to start a life in the United States. Please note that this information is general in nature and is meant to serve only as a general introduction for those newly entering the U.S. You should check with local financial and real estate institutions for specific, in-depth facts and figures. This month we present a brief overview on the process of renting a home. Next month, we will offer related information regarding buying a home. Upon your arrival to the U.S., you will probably first look for a home or an apartment to rent. Things you will want to consider in making your choice are:

a. Cost of the rent -- how does it fit into your budget? This may sound very simplistic and basic but sometimes it is possible to fall in love with a home and then realize it may not be affordable or practical from a financial standpoint.

b. What does the rent include? Some landlords include all the utilities, like heat, water, even electricity and gas with your rent. Some include nothing at all. Usually upkeep and repairs are the responsibility of your landlord, but NOT ALWAYS. (Be certain to carefully read your lease before signing it.) Some landlords are good about this sort of thing; others are not. Beware, however, of leases which hold YOU responsible for all maintenance expenses. Find out about the additional costs which are your responsibility. If you put a hole through a wall when moving furniture around; yes, you should be responsible. If the house needs a new roof, this is a long-term benefit to your landlord's investment in the property and s/he is generally responsible. There are certain repairs in between, which the lease may provide that you as the tenant could be liable for and some landlords provide that the first \$50 or \$100 for the repair of any item will be borne by the tenant. Keep in mind that most issues, including leases, can be negotiated in the U.S.

c. If the cost of heating or cooling the apartment or house will be left up to you, ask for estimated figures so that this can be considered when making your decision. Ask what the typical utility bills amount to for the property. If you tend to run your heat or your air conditioning a lot, keep this in mind when you look at estimated monthly costs.

d. You should consider proximity to your job or school and that of your spouse and children so that commuting does not become a burden on your time or your finances. This is especially important if any of you will be relying on public transportation -- find out routes and schedules to see if the home you are considering is in a manageable location. Many people find that a long commute can take its toll over time.

e. The safety of the neighborhood should be considered. You should feel safe in your own home and not have to constantly worry that it may be broken into while you are away or that you will become a target for crime once you set foot outside. We acknowledge that crime can happen anywhere, anytime. But you should not have to put yourself in a spot which statistically is unsafe. If you are having difficulty determining the safety of a location, the local police department will usually provide statistics on crime within its area upon request. Speak with the desk sergeant on duty to find out how to access this public information.

After you have decided on a home or an apartment to rent, you will be asked to sign a lease. Be aware of the contents of your lease. Most of us think that the language in the lease is standard but it can almost always be negotiated. Most important, of course, is to read the document. I am often surprised that educated, intelligent professionals who will not waste \$10 will lose several hundreds of dollars by failing to read or understand their obligations under an important document like a lease.

Ask for clarification on any subject of which you are unsure. At this time you will also be asked to pay your security deposit. This is usually equal to one month's rent (sometimes two). It is placed in an escrow account and will be returned to you (sometimes by paying for your last month's rent) when you leave, unless you damage the apartment in some way and the landlord needs to use it for repairs. Be warned that there are cases of dishonest landlords who fabricate reasons to keep your security deposit. You will also be asked to pay the first month's rent and in some cases, the last month's rent as well. Some local jurisdictions have laws limiting the maximum amount of security deposit an owner of property can charge for a residential

lease. As you can see, you may have to have a rather large sum when you go to sign your lease. Once you know your move-in day, you will want to contact the utilities companies such as the electricity and telephone companies to have the service turned on.

Some of these companies may require a deposit as well. You may need a Social Security Number or a Tax Identification Number (TIN) before they will connect the utilities to your new home.

Anyone without an established credit history in the U.S., will likely find it difficult and expensive to begin proving to the landlord that they are reliable where debts and financial obligations are concerned. As a non-citizen, this may be the case for you. Once these initial steps are taken, however, you should find that things gradually become easier as you begin to establish a financial history. Keep in mind that, even if you have signed a lease for a year or more, the law in most local jurisdictions allows you to break a lease with a certain amount of advance notification, often about 2 or 3 months, with no financial penalty. In other jurisdictions, the renter could be liable for the entire balance of the rent due under the lease. If you are really miserable and find something else which is perfect, you may even decide that it is worth the penalty (usually your security deposit) to break your lease without the proper notification. Some landlords can and will charge for the entire lease term with attorney's fees and court costs if the renter breaches the lease agreement.

If you are careful and thorough in your research, you should be able to find a rental situation which makes for you a pleasurable and memorable introduction to life in the U.S.

DISCLAIMER : This Bulletin does not intend to establish an attorney-client relationship.

The information provided above is of a general nature and may not apply to any particular set of facts or circumstances. It **should not be construed as legal advice** and does not constitute an engagement of the Law Office of Sheela Murthy or establish any attorney-client relationship. This Bulletin does not intend to establish an attorney-client relationship.

Please be advised that if you have a case specific question/situation on an immigration matter, you should consult with an attorney who concentrates in the area of immigration law.

END OF IMMNET BULLETIN

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