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**This Immigration Update<sup>®</sup> from FosterQuan, LLP contains important information regarding the following:**

### **TEXAS DPS ANNOUNCES NEW 30-DAY RESIDENCY & DOCUMENTATION REQUIREMENTS**

On May 3, 2012, the Texas Department of Public Safety (DPS) [announced](#) the implementation of new residency requirements for obtaining a new (first-time) Texas driver's license or identification card. The requirements, which took effect this week, are mandated by the Texas legislature.

In order to obtain a Texas driver's license or identification card, applicants must demonstrate that they have been residents in the State of Texas for at least 30 days. The 30-day requirement is waived for applicants who surrender a valid, unexpired out-of-state driver's license, though all applicants must demonstrate current residency.

To demonstrate Texas residency, two forms of documentation must be presented. Unless the 30-day requirement is waived upon surrender of a valid out-of-state license, at least one form of residency documentation must demonstrate that the applicant has lived in Texas for at least 30 days.

The full list of [acceptable residency documents](#) may be found on the DPS website. Some applicants who are unable to provide acceptable documentation may be eligible to execute a [Texas Residency Affidavit](#) affirming their residency.

### **EXPORT CONTROL REGULATION GUIDANCE ON EMPLOYEES PLACED AT THIRD PARTY WORKSITES**

The Department of Commerce has issued an informal advisory option providing guidance to staffing firms who sponsor foreign nationals in positions that have the potential for exposure to controlled technology or technical data at a third-party client worksite. The Department has stated that in a situation where the staffing company exerts control over the employment of the foreign national, but not the controlled technology that they may be exposed to at a third party client site, the third party client is the party responsible for obtaining any required authorizations under the Export Administration Regulations (EAR) for any exposure to controlled or restricted technology or source code.

The Department's position is rooted in the understanding that the third party client should be deemed the exporter as they are the entity releasing the EAR restricted technology to the foreign national. However, the Department warns that as the EAR compliance relates to the sponsorship of foreign nationals on H-1B, H-1B1 Chile/Singapore, L-1 or O-1A petitions,

completion of the newly added Part 6 “Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons” on the I-129 Petition for a Nonimmigrant Worker must be completed accurately. As such, we advise employers who have foreign national employees working at client sites to be aware of their exposure to controlled or restricted technology. Additionally, employers who have third-party employees on site should be aware that a license may be required for exposure of those third-party employees to controlled technology.

As always FosterQuan will continue to monitor immigration-related regulations and procedures and will provide additional information in future Immigration Updates©, and on our firm’s website at [www.fosterquan.com](http://www.fosterquan.com).

### **BRAZILIAN CONSULAR AUTHORITIES ANNOUNCE CHANGE IN BRAZILIAN VISA APPLICATION FEES FOR U.S. CITIZEN APPLICANTS**

Effective May 2, Brazilian consular authorities increased the fee charged to issue visas into U.S. passports. Per Brazil’s reciprocity policy, the new fee amounts are in response to the recent fee increases implemented by the U.S. Department of State for U.S. visas.

#### **Reciprocity Fee Changes for U.S. Citizens**

| <b>Visa Type</b> | <b>Previous Fee Amount</b> | <b>New Fee Amount</b> |
|------------------|----------------------------|-----------------------|
| <b>VITUR</b>     | \$140                      | \$160                 |
| <b>VITEM I</b>   | \$150                      | \$190                 |
| <b>VITEM II</b>  | \$140                      | \$160                 |
| <b>VITEM III</b> | \$150                      | \$190                 |
| <b>VITEM IV</b>  | \$140                      | \$160                 |
| <b>VITEM V</b>   | \$150                      | \$190                 |
| <b>VITEM VI</b>  | \$140                      | \$160                 |
| <b>VITEM VII</b> | \$150                      | \$190                 |
| <b>VIPER</b>     | \$140                      | \$160                 |

#### **Effective Date**

Individuals applying for a Brazilian visa using a U.S. passport should be prepared to pay the new fee for any new application going forward.

#### **Reciprocity Fee Applicability and Other Considerations**

Please note that U.S. citizens who are dual citizens would be able to avoid paying the reciprocity fee when applying for a Brazilian visa if they use a current valid passport from their other country of citizenship.

The reciprocity fee does not include other visa filing fees charged by Brazilian consular authorities, such as the basic visa fee or the handling fee for applications filed by third parties.

Finally, while this reciprocity fee is also charged to U.S. citizens applying for a visa at Brazilian consular posts outside of the United States, the exact amount may vary as it is normally applied in local currency.

As always FosterQuan will continue to monitor global immigration fees and procedures and will provide additional information in future Immigration Updates©, and on our firm's website at [www.fosterquan.com](http://www.fosterquan.com).