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## **1. U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) ANNOUNCES REORGANIZATION OF THE AGENCY AND THE CREATION OF NEW DIRECTORATES**

On January 11, 2010, U.S. Citizenship & Immigration Services (CIS) announced the agency's reorganization, which includes the creation of new directorates for fraud detection and customer service.

In a statement released on Monday, CIS Director Alejandro Mayorkas stated that the realignment of the agency reflects the priority the agency places on fraud prevention and customer service.

A new directorate has been created for Fraud Detection and National Security (FDNS) to continue the agency's focus on preventing and detecting fraud in applications and petitions for immigration benefits. Many employers will recognize FDNS as the office responsible for initiating H-1B site visits over the past 12-18 months. With its own directorate, FDNS will be organizationally on par with customer service and domestic and field operations.

As we have seen in previous reorganizations, this newly-announced realignment further defines the fraud prevention and detection role of the agency and elevates it to co-equal status with what was previously considered the agency's primary function—the adjudication of benefits applications. Now more than ever employers can expect further development and expansion of the fraud detection role, both within context of adjudications, and as a follow-up, quality-control check on approved applications and petitions, in the form of requests for additional documentation, site visits, audits, and data mining and comparison.

Another new directorate has been created for Customer Service. The CIS indicates the establishment of this new directorate, which will be organizationally on par with FDNS and

domestic and field operations, reflects the CIS recognition of “the significant efforts that will be needed to ensure that we are at the cutting edge of service modeling.”

As part of the organizational realignment, the current Domestic Operations Directorate will be divided into Service Center Operations, over the regional Service Centers, and Field Operations, over the local District Offices.

The new [CIS organizational chart](#) is available on the CIS website. FosterQuan will continue to monitor changes at U.S. CIS and will make future information available via future Immigration Updates© and on [our firm’s website](#).

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## **2. U.S. DEPARTMENT OF STATE (DOS) PUBLISHES PROPOSED INCREASE IN VISA APPLICATION FEES**

On December 14, 2009, the U.S. Department of State (DOS) published in the Federal Register a proposed rule to increase visa application fees paid by applicants at U.S. Embassies and Consulates abroad. The Department is proposing to increase application fees in order to fully cover the cost of consular services provided. Fee increases are proposed in accordance with the following table:

<b>Fee Type</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Machine Readable Visa (MRV) Application fee for non-petition-based, nonimmigrant visa applications (such as visitor visas)	\$131	\$140
MRV fee for certain petition-based visa applications (H, L, O, P, Q, and R)	\$131	\$150
MRV fee for E visa applications	\$131	\$390
MRV fee for Border Crossing Cards (BCC) for applicants age 15 and older	\$131	\$140
MRV fee for BCC for applicants age 14 and under	\$13	\$14
MRV for K visa applications	\$131	\$350

The proposed rule will not go into effect until the 60-day comment period has expired and the DOS has reviewed and considered the comments received. FosterQuan will continue to monitor these and other changes impacting on visa application fees and will make future updates available via [our firm’s website](#).

### 3. HIV INFECTION IS NO LONGER A GROUND OF INADMISSIBILITY; PREVIOUSLY DENIED VISA APPLICANTS SHOULD CONTACT THEIR IMMIGRATION ATTORNEYS FOR ADDITIONAL INFORMATION

Effective January 4, 2010, HIV infection is no longer a health-related ground of inadmissibility under the Immigration & Nationality Act. HIV-positive applicants who were previously refused a visa or denied adjustment of status should contact their immigration attorneys for additional information.

For more information, contact your FosterQuan attorney today. As always, FosterQuan will continue to monitor legal developments which may impact admissibility to the United States and will make additional updates available via future Immigration Updates© and on [our firm's website](#).

### 4. IMMIGRANT VISA BACKLOGS CONTINUE IN THE NEW YEAR

On January 11, 2010, the U.S. Department of State published the Monthly Visa Bulletin for February 2010, revealing continued immigrant visa backlogs for many of the employment-based immigrant categories.

The February 2010 Visa Bulletin reports the following “cut-off” dates for immigrant visa availability under the employment-based immigrant visa categories:

	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
<b>Employment-Based</b>					
<b>1st</b>	C	C	C	C	C
<b>2nd</b>	C	22MAY05	22JAN05	C	C
<b>3rd</b>	22SEP02	22SEP02	22JUN01	01JUL02	22SEP02
<b>Other Workers</b>	01JUN01	01JUN01	01JUNR01	01JUN01	01JUN01
<b>4th</b>	C	C	C	C	C
<b>Certain</b>	C	C	C	C	C

<b>Religious Workers</b>					
<b>5th</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>
<b>Targeted Employment Areas/ Regional Centers</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>

In order to file an Application for Adjustment of Status, or have a pending application approved or an immigrant visa issued, the applicant’s priority date must precede the “cut-off” date listed for his or her country of birth and employment-based immigrant preference category.

The employment-based, second preference category remains significantly backlogged for persons born in India and China, while the third preference category continues its historical backlogs across the board. Applicants who are awaiting eligibility to file an Application to Adjust Status and are approaching the end of their nonimmigrant visa eligibility may have options for extending their nonimmigrant status beyond the normal limit.

The Monthly Visa Bulletin is available on the [Department of State website](#), or through links on the [Processing Times page](#) of the [FosterQuan website](#). For more information on additional extensions of nonimmigrant status or potential qualification under higher level employment-based categories, contact your FosterQuan immigration attorney. Your FosterQuan attorney can assist you in developing an appropriate strategy for your company and your employees.