



This Immigration Update[©] from FosterQuan, LLP contains important information regarding the following:

1. U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) ISSUES COMBINED ADVANCE PAROLE TRAVEL & EMPLOYMENT AUTHORIZATION DOCUMENT TO “GREEN CARD” APPLICANTS
2. NEW EXPORT CONTROLS ATTESTATION ON FORM I-129 GOES INTO EFFECT FEBRUARY 20, 2011
3. DEPARTMENT OF STATE (DOS) AND DEPARTMENT OF HOMELAND SECURITY (DHS) ESTABLISH ANNOTATED B-1 VISA FOR FOREIGN MARITIME WORKERS APPLYING FOR “TWIC” I.D.

1. U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) ISSUES COMBINED ADVANCE PAROLE TRAVEL & EMPLOYMENT AUTHORIZATION DOCUMENT TO “GREEN CARD” APPLICANTS

On February 11, 2011, U.S. Citizenship & Immigration Services (CIS) announced that the CIS would begin issuing combined Advance Parole and Employment Authorization Documents in a single card that looks similar to the Employment Authorization Document card currently issued on Form I-766.

Applicants who file Applications to Adjust Status to U.S. Lawful Permanent Resident (“green card” applications) are eligible to file Applications for Advance Parole Travel Documents and Employment Authorization Documents (EAD) to secure travel and work authorization while their “green card” applications remain pending. The CIS has historically issued the Advance Parole and EAD cards separately, with the Advance Parole document issued on paper and the EAD issued as a card that is presented to employers as a List A document for purposes of verifying both identity & employment authorization during the Form I-9 Employment Eligibility Verification process.

The CIS now advises that applicants who file applications for Employment Authorization and Advance Parole together will receive one document that evidences both employment authorization and the ability to travel internationally and return to the United States without abandoning their “green card” applications. The new, combined card will be acceptable as a List A document for verifying employment authorization and will be presented to U.S. Customs & Border Protection (CBP) officials upon returning to the United States after international travel.

Applicants are reminded that the issuance of an Advance Parole document, either on paper or as part of a combined Advance Parole EAD card, does not guarantee the applicant will be paroled into the United States following international travel. CBP officials make the decision to parole an applicant upon inspection and may refuse to parole individuals deemed inadmissible to the United States. Applicants who have been unlawfully present in the United States and subsequently depart and seek reentry using an Advance Parole document may be found inadmissible and ineligible to adjust status. Such applicants should consult with qualified immigration counsel prior to scheduling their international travel.

As always, FosterQuan will continue to monitor changes in immigration benefits and CIS procedures and will provide further updates via future Immigration Updates© and on our firm's website at www.fosterquan.com.

2. NEW EXPORT CONTROLS ATTESTATION ON FORM I-129 GOES INTO EFFECT FEBRUARY 20, 2011

Beginning February 20, 2011, employers must complete the export controls attestation in Part 6 of the new Form I-129 Petition for a Nonimmigrant Worker that went into effect on November 23, 2010. Employers must certify, with respect to any technology to which the employee will have access on the job, that a license from the Departments of Commerce or State is not required to release the technology to the foreign national (or, in the rare case that a license is required, the employer will restrict the beneficiary's access to the technology until a license is obtained).

Licensing requirements depend on the nationality of the foreign national and on the specific nature of the technology. In order to properly provide the new attestation, employers must classify the technology or technical data that will be released to the foreign national and then must determine whether an export license must be required.

For advice on the new Form I-129 and information regarding procedural steps to help ensure compliance with the new deemed export attestations, contact your FosterQuan immigration attorney. As always, FosterQuan will continue to monitor changes in CIS requirements and will provide further information via future Immigration Updates© and on our website at www.fosterquan.com.

3. DEPARTMENT OF STATE (DOS) AND DEPARTMENT OF HOMELAND SECURITY (DHS) ESTABLISH ANNOTATED B-1 VISA FOR FOREIGN MARITIME WORKERS APPLYING FOR "TWIC" I.D.

On February 9, 2011, the Departments of Homeland Security (DHS) and State (DOS) announced the creation of an annotated version of the B-1 visa that will allow foreign maritime workers to apply for a Transportation Worker Identification Credential (TWIC). The TWIC is a

tamper-resistant biometric identification card that maritime workers must obtain to gain unrestricted access to secure areas of maritime facilities.

Under this process, foreign maritime workers who need to acquire a TWIC for the performance of their official duties must provide notice of their need for the TWIC to DOS upon applying for a B-1 visa, and a letter from their employer stating that the worker must perform service in secure port areas. Upon receipt of the new TWIC-annotated B-1 visa, each individual will apply separately for a TWIC. The new process will apply to the approximately 4,000 to 6,000 foreign workers in U.S. ports who must have a TWIC for the performance of their official duties.

The Transportation Security Administration (TSA) published a TWIC final rule in January 2007 allowing noncitizens to apply for a TWIC provided that they meet one of TSA's eligible categories. Following input from maritime industry stakeholders, DHS and DOS collaborated to create the new process.

For more information regarding the unique requirements for deploying foreign national workers on the Outer Continental Shelf or to secure port areas requiring TWIC identification, contact your FosterQuan immigration attorney.