



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

- 1. NONIMMIGRANT VISA APPLICANTS MAY NOW APPLY AT ANY U.S. CONSULATE IN INDIA, REGARDLESS OF JURISDICTION**
- 2. HOLIDAY TRAVEL REMINDER: CHECK REQUIRED DOCUMENTS BEFORE DEPARTING THE UNITED STATES**
- 3. DO'S AND DON'TS, TIPS ON SSN "NO-MATCHES" RELEASED**

1. NONIMMIGRANT VISA APPLICANTS MAY NOW APPLY AT ANY U.S. CONSULATE IN INDIA, REGARDLESS OF JURISDICTION

The U.S. Embassy in New Delhi and the U.S. Consulates General in Mumbai, Chennai, Kolkata and Hyderabad will now accept visa applications from applicants across India, regardless of the applicant's city of residence. Applicants may now schedule visa appointments with the consular post that has the most convenient appointment availability, but an in-person interview is still required.

Applicants may check visa appointment wait times for different U.S. Consulates on the ["Visa Wait Times"](#) page of the Department of State's website. Applicants should also visit the [U.S. Consulate's website](#) to review the post-specific document requirements in advance in order to ensure they have all necessary documents to satisfy the consular post's particular requirements. Applicants who require assistance in preparing their application packages should contact their FosterQuan immigration attorney in advance of their scheduled departure from the United States.

2. HOLIDAY TRAVEL REMINDER: CHECK REQUIRED DOCUMENTS BEFORE DEPARTING THE UNITED STATES

Due to the high volume of international travel during the holiday season, international travelers should ensure that they have the appropriate documents for their return trip to the United States.

Nonimmigrant Visa Holders

H-1B, H-1B1, L-1, O-1 and TN Non-Immigrant Visa Holders and their dependents should be prepared to present the following documents to the U.S. Customs and Border Protection Immigration Inspection officer upon return to the U.S. from their trip abroad:

1. Form I-797, Notice of Action/Approval Notice (if a petition was filed with USCIS in the United States);
2. Valid nonimmigrant visa stamp (except Canadian citizens);
3. A passport valid for at least six months beyond the foreign national's intended period of stay in the U.S. Returning with a passport of shorter validity may result in admission for a duration that is shorter than the validity of the visa or the Form I-797 Approval Notice; and
4. Proof of current employment, such as a recent pay stub or a current letter from the employer confirming salary and employment in the position as listed on the nonimmigrant visa petition.

Nonimmigrant who require a new, valid visa for return to the United States should apply well in advance of their desired return travel date. For more information regarding the requirements for applying for a nonimmigrant visa, please visit [FosterQuan's website](#), or contact your FosterQuan immigration attorney for assistance.

Legal Permanent Residents

Legal Permanent Residents of the United States must present an unexpired Legal Permanent Residence Card (Form I-551) and either a valid foreign passport or a valid U.S. Reentry Permit.

A Legal Permanent Resident who has been outside the United States for more than six months should also present evidence of ties with the United States, such as proof of employment in the U.S., bank account statements, and copies of a lease agreement or a residential mortgage. If a Legal Permanent Resident knows in advance that he or she will be out of the United States for an extended period of time, he or she should apply for a Reentry Permit **before** departing the United States. Absences of more than six month may, and absences of more than one year will, result in abandonment of U.S. Legal Permanent Resident Status unless certain steps are taken in advance of departure from the United States.

Legal Permanent Residents who will travel abroad for more than six months should contact their FosterQuan immigration attorney well in advance of their departure from the United States in order to ensure all requirements are met for retention of U.S. Legal Permanent Resident Status.

U.S. Citizens

A valid, unexpired U.S. passport is required for U.S. citizens returning to the United States via air travel. The U.S. passport card is not acceptable for international air travel.

U.S. citizens returning by land or sea from Canada, Mexico, or the Caribbean must present a valid U.S. passport, a Trusted Traveler Card (NEXUS, SENTRI, or FAST/EXPRES), a U.S. Passport Card, **or** a State issued Enhanced Driver's License (when and where available).

Children under age 16 arriving by land or sea from Canada, Mexico, or the Caribbean need only present proof of citizenship, such as an original copy of a birth certificate, a consular report of birth abroad, a naturalization certificate, or a Canadian citizenship card.

For basic information on returning to the United States after international travel, consult the U.S. Customs & Border Protection ["Know before You Go" brochure](#). For information on securing the appropriate documents in advance of departure, contact your FosterQuan immigration attorney well in advance of any scheduled travel.

3. DO'S AND DON'TS, TIPS ON SSN "NO-MATCHES" RELEASED

The Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices recently issued the following do's and don'ts for employers on Social Security Number "no-match" letters. These are letters issued by the Social Security Administration (SSA) to employers stating that information supplied to the SSA does not match SSA records.

DO:

1. Recognize that name/SSN no-matches can result because of simple administrative errors.
2. Check the reported no-match information against your personnel records.
3. Inform the employee of the no-match notice.
4. Ask the employee to confirm his/her name/SSN reflected in your personnel records.
5. Advise the employee to contact the SSA to correct and/or update his or her SSA records.
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7. Give the employee a reasonable period of time to address a reported no-match with the local SSA office.
8. Follow the same procedures for all employees regardless of citizenship status or national origin.
9. Periodically meet with or otherwise contact the employee to learn and document the status of the employee's efforts to address and resolve the no-match.
10. Submit any employer or employee corrections to the SSA.

DON'T:

1. Assume the no-match conveys information regarding the employee's immigration status or actual work authority.
2. Use the receipt of a no-match notice alone as a basis to terminate, suspend or take other adverse action against the employee.

3. Attempt to immediately reverify the employee's employment eligibility by requesting the completion of a new Form I-9 based solely on the no-match notice.
4. Follow different procedures for different classes of employees based on national origin or citizenship status.
5. Require the employee to produce specific documents to address the no-match.
6. Ask the employee to provide a written report of SSA verification.

The [Name and Social Security Number \(SSN\) "No-Matches" Information for Employers](#) is available on the U.S. Department of Justice website. A similar document called, [Name and Social Security Number \(SSN\) "No-Matches" Information for Employees](#) is also available. Frequently Asked Questions about [Name/Social Security Number "No Matches"](#) is also available.

The National Employment Law Project issued "[Top 10 Tips for Employers](#)" on Social Security no-match letters and are linked to a National Immigration Law Center "[No-Match Letter Toolkit](#)".