

## IMMIGRATION UPDATE FOR APRIL, 2004 – PART #2

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by

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**LABOR CERTIFICATION/“PERM” UPDATE:** The long-awaited PERM regulation (which will vastly change the way labor certification cases are handled) still has not yet gone into effect. Unless modified by the government, it could go into effect as early as this fall.

**H-1B UPDATE:** The USCIS has not issued any further guidance on the H-1B cap. As of April 1, 2004, the USCIS has been accepting H-1B petitions for H-1B cases subject to the cap if the petition is requesting an employment start date of October 1, 2004 or later. If the petition is for an H-1B case that is subject to the cap and is requesting a start date of earlier than October 1, 2004, then the USCIS will not accept the filing. Individuals whose status is expiring prior to October 1, 2004 but who have a job offer for an H-1B caliber position must be careful not to fall out of status.

**SOCIAL SECURITY UPDATE:** Recently, it has been taking longer for individuals who file for a social security number to obtain the social security number. In applying for a social security number, the local social security office typically requests evidence of the individual’s authorization to work in the United States. Evidence of authorization work in the United States usually can be provided in the form of a work-related visa (H-1B) or an employment authorization document issued by the USCIS. Once an individual presents this evidence at the local social security office and fills out an application for a social security number, the local social security office then sends a request to the USCIS to confirm the validity of the documentation. In North Carolina, it has been taking as long as 2-3 months for the USCIS to confirm the information with the local social security office. As a result, the individual often will not receive the social security card for 2-3 months after the application has been filed with the local social security office.

**REMINDER FOR MARRIAGE INTERVIEW CASES:** Individuals who have applied for permanent residence based on marriage to a United States citizen are encouraged to take their passports with them to the marriage interview. The reason? In addition to serving as a form of photo identification, the USCIS officer will either place a stamp in your passport or give you a new Form I-94 as evidence of your approval for lawful permanent residence (assuming you are approved at your interview and nothing needs to be sent in to the USCIS before it can approve your case). This is extremely

important since it may take up to 6 months before you receive the actual green card in the mail.

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