



Long, Chang & Associates, L.L.P.

Immigration Attorneys

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IMMIGRATION ALERT

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Featured Article

PERMANENT RESIDENT CARDS WITHOUT EXPIRATION DATES MAY NEED TO BE REPLACED

September 11, 2007 - The United States Citizenship and Immigration Services (USCIS) announced a proposal on August 22, 2007, that would require certain permanent residents to replace their green cards or risk having them terminated.

Under the proposal, approximately 750,000 permanent residents whose green cards do not have an expiration date on the front of the cards would be required to replace their cards within a specified 120-day period. The proposal is expected to become law in the near future.

As background, current versions of the "green card" (Permanent Resident Card or Form I-551) have expiration dates. Permanent residents are required to renew their permanent resident cards before they expire. However, between 1979 and 1989, permanent resident cards were issued without expiration dates. These green cards would need to be replaced by filing a Form I-90. To determine if you need to replace your green card, check the front of your green card. If there is no expiration date, you would be required to file the Form I-90.

The current application fee for the Form I-90 (to replace a lost, stolen or expired green card) is \$370.00 (which includes the biometrics fee). Those green card

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**Permanent Resident Card Replacement
(Continued from Page 1)**

holders who file for the replacement card will have their fingerprints taken and a background check for criminal issues will be done. Green card holders with criminal issues should be aware of the many criminal offenses which can result in deportation or removability.

Additionally, for those individuals with these older versions of the green card who are not filing for U.S. citizenship due to limited English speaking ability, you should be aware of special provisions which would allow you to take the naturalization exam in your native language. These special provisions apply to permanent residents who are at least 50 years old and have been permanent residents for at least 20 years, as well as to permanent residents who are at least 55 years old and have been permanent residents for at least 15 years old.

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**Department of Labor's Backlog Elimination
Centers Near Completion of All Pre-PERM Labor
Certification Cases**

The Department of Labor provided a recent update on the status of pre-PERM labor certification cases at the Backlog Elimination Centers (BEC). As of September 6, 2007, 351,000 pre-PERM labor certification cases have been completed; 11,000 labor certification cases remain to be processed; 6,500 cases are awaiting a response to either a 30-day or 45-day letter from the BEC; 3,000 cases are awaiting a response to a NOF (Notice of Finding); and 1,500 cases are in a variety of other stages of final processing. Although there is no specific date for closing down the Backlog Elimination Centers, the Department of Labor expects that case processing should be completed in October 2007.

As background, old labor certification cases that were pending with the Department of Labor at the time the PERM labor certification process was introduced were transferred to one of two Backlog Elimination Centers operated by the Department of Labor. Since the introduction of PERM, these BECs have been working to complete processing of all of the old, pre-PERM labor certification cases.

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**Update on R-1 Processing Times with the U.S.
Citizenship & Immigration Services**

The California Service Center recently published its most recent processing time report. Since all R-1 and I-360 cases are now processed at the California Service Center, it was interesting to note that, according to the California Service Center, it was taking the CSC approximately 2 months to process R-1 cases. In fact, the CSC recently announced to the American Immigration Lawyers Association (AILA) that it had cleared out its R-1 backlog entirely! This comes as a great surprise to many R-1 and I-360 applicants who have been waiting months and, in some cases, over a year for a decision on their cases. Unfortunately, the CSC processing time reports is not very accurate.

What the CSC failed to disclose to the public (but did disclose to the American Immigration Lawyers Association) was that the fairly-quick processing times it is now reporting only pertain to cases which have already had the routine site check

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**R-1 Processing Times Update
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conducted by a USCIS fraud detection officer. Most R-1 and I-360 cases are backlogged for months because they have not yet had a site check performed. Essentially, if the case has not yet had a site check completed and the results of that site check returned to CSC, then CSC does not consider the case ready for adjudication and does not include all of those cases in its backlog. CSC only included cases in its processing time report that had already had a site inspection. R-1 and I-360 cases routinely have site checks conducted before the case is reviewed by an immigration officer. When the immigration officer gets the case, he or she reviews not only the R-1 or I-360 package submitted by the applicant but also the results of the site inspection performed by the fraud detection officer.

What this means is that you cannot rely entirely on the processing time reports posted on the USCIS website because they do not tell the entire story. Also, it shows how even within the USCIS blame is shifted from part of the agency to the other. Essentially, the CSC is trying to shift the blame for the dreadfully long processing times in R-1 cases and I-360 cases from its office to the officers who are conducting the site checks. While many people were starting to wonder whether USCIS had actually stopped processing R-1 and I-360 cases until the proposed R-1/I-360 regulations became law, it is clear now that USCIS is processing R-1 and I-360 cases, although it still is taking quite a long time due to site checks not having been performed on many pending cases.

For those individuals who are seeking a change of status to R-1, consular processing appears to be a much faster option. In consular processing cases, the applicant can apply directly to the U.S. Consulate outside the United States for the R-1 visa. No site check is performed in these cases. In addition, at present, the applicant does not have to have a petition approved in the United States before applying for the visa. Note, however, that this may soon change as there are proposed religious worker regulations which would require that, before applying for a visa outside the United States, the applicant have a petition approved in the United States. This is an important consideration for those F-1 foreign nationals working on OPT who need to change to R-1 status in order to continue working.

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October 2007 Visa Bulletin Summary

The October 2007 Visa Bulletin was released to the public on September 12, 2007. To read the new Visa Bulletin, please visit http://travel.state.gov/visa/frvi/bulletin/bulletin_3800.html

The October 2007 Visa Bulletin contains the following highlights

- In the **FAMILY** category, all cutoff dates (for every country) moved forward. Most cutoff dates moved forward a month of so.
- In the **EMPLOYMENT** category, for the month of October 2007:
 - The EB-1 category is "Current" for all countries;
 - The EB-2 category is "Current" for all countries except China (January 1, 2006 cutoff date) and India (April 1, 2004)
 - The EB-3 skilled worker/professional category has cutoff dates for all countries, with the worldwide cutoff date being August 1, 2002;
 - The EB-3 "other worker" category is now "Current"
 - The EB-4 category (including religious workers) is now "Current"
 - The EB-5 category is now "Current"

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**October 2007 Visa Bulletin Summary
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- If a category is "Current", this means that immigrant visa numbers are available. Applicants can file in these categories during the month of October 2007. In addition, if applicants have already filed in these categories and their cases are approvable, an immigration officer can approve these cases and issue green cards.
- If a category has a cutoff date, then immigrant visa numbers are not available in those categories, unless the priority date for the case is earlier than the cutoff date listed in the particular category.

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About Us

Long, Chang & Associates, L.L.P. is a full-service immigration law firm concentrating in the areas of employment-based and family-based immigration law. Our law firm has successfully represented individuals and employers through the immigration process with the Immigration and Naturalization Service (INS), Bureau of Citizenship and Immigration Services (BCIS), United States Citizenship and Immigration Service (USCIS) and at U.S. consulates and embassies in order to obtain both non-immigrant (temporary) visas and immigrant (permanent) visas on behalf of individuals or employees.

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Kristen Aekyung Chang is a founding partner of Long, Chang & Associates, L.L.P. She practices exclusively in immigration law and is a member of the American Immigration Lawyers Association (AILA) and the North Carolina State Bar.

Born in Seoul, South Korea, Ms. Chang attended the University of North Carolina at Chapel Hill where she received a Bachelor of Arts degree in Psychology. While achieving academic success at the undergraduate level, Ms. Chang devoted much of her time to volunteerism. She served as the Chairperson on the Planning Committee for the University's Bicentennial Class celebration and served as a Research Assistant in the University's Psychology Department where she performed valuable research in the area of cognitive memory. Ms. Chang also volunteered in the school's International Department as an English language assistant for international students and faculty members and at a local psychiatric hospital. In addition to her numerous public-service efforts during her undergraduate career at the University of North Carolina at Chapel Hill, Ms. Chang studied abroad at the prestigious London School of Economics where she achieved the top academic ranking in International Business Strategy and Human Resource Management.

Ms. Chang received her J.D. (law) degree from the Wake Forest University School of Law. During law school, Ms. Chang was selected as a member of the Law School's Moot Court Board based on her performance in the school's trial court competition. She was one of three members on the school's nationally-recognized and award-winning National Moot Court Evidence Team. During law school, Ms. Chang studied Labor and Employment Law at the law school's summer program in Italy.

Following law school, Ms. Chang opened her own immigration law practice in Greensboro, North Carolina, and subsequently joined Mr. Long in founding Long, Chang & Associates. As a naturalized citizen of the United States, Ms. Chang understands the immigration practice not just as an immigration lawyer but as an immigrant herself who has gone through the immigration process. Based on her personal experiences, Ms. Chang has a remarkable way of relating with her clients and perceiving their anxieties and concerns.



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David J. Long founded Long, Chang & Associates, L.L.P. in 1998. He has been recognized by the North Carolina State Bar as a Board-Certified Specialist in Immigration Law. Mr. Long is a member of the American Immigration Lawyers Association (AILA) and the North Carolina State Bar. Mr. Long serves as a Mentor for other immigration attorneys through AILA.

Prior to founding Long, Chang & Associates, L.L.P., Mr. Long worked as an attorney with the law firm of Kilpatrick Stockton in Winston-Salem, North Carolina. Mr. Long practices in the areas of immigration law, corporate law and real estate.

Born in Philadelphia, Pennsylvania, Mr. Long attended the University of North Carolina at Chapel Hill where he studied in the Honors Program and received a Bachelor of Arts degree in Political Science. In addition, Mr. Long studied the Korean Language at Duke University for a semester while attending UNC-CH. Mr. Long graduated magna cum laude and in the top 1% of his class.

Mr. Long graduated with highest honors and received his J.D. (law) degree from the Wake Forest University School of Law. During law school, Mr. Long was selected as a member of the Law Review based on his academic standing. He was one of three members on the school's nationally-recognized Gabrielli Family Law Moot Court Team. Mr. Long also studied Labor and Employment Law at the law school's summer program in Italy. Following law school, Mr. Long worked as an attorney in the commercial real estate department of Kilpatrick Stockton LLP in Winston-Salem, NC, one of largest law firms in the United States. After two years of working at a large law firm, Mr. Long desired the opportunity to assist clients on a more personal basis. As a result, he joined Ms. Chang in forming Long, Chang & Associates, L.L.P. Most recently, Mr. Long served as an adjunct faculty member at Handong International Law School in Pohang, South Korea where he taught U.S. Immigration and Naturalization Law.

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