

**CLIENT BULLETIN**

TO: All Cohen & Grigsby, P.C. Immigration Clients  
FROM: Cohen & Grigsby, P.C. Immigration Group  
DATE: June 6, 2007  
RE: June 2007 Immigration Bulletin

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**Department of Labor Issues Final  
Rule Concerning Labor Certification Substitution**

The U.S. Department of Labor (DOL) recently issued a final order confirming that, **effective July 16, 2007**:

- Substitution of alien beneficiaries on permanent labor certification applications and resulting certifications is prohibited;
- Requests for modifications to an application submitted under the PERM regulations will not be accepted;
- Employers have 180 calendar days within which to file an approved labor certification in support of a Form I-140; and
- Employers must pay all costs of “preparing, filing, and obtaining labor certification” except those deemed be “legitimate” costs for the alien in the permanent labor certification process, such as attorneys’ fees.

Please note that these rules take effect on July 16, 2007. Until then, the existing labor certification application rules concerning substitution, fees, etc. remain in effect. Therefore, if you have a case which is suitable for substitution, we recommend that you proceed immediately.

Additional details concerning all of these changes and their effects will be forthcoming and, as always, we will issue additional bulletins if/when appropriate.

**USCIS Continues H-1B Cap Case Intake**

Due to the unprecedented volume of recent H-1B filings, the U.S. Citizenship and Immigration Services (USCIS) is experiencing a receipting/data-entry delay at all Service Centers. As a result, the USCIS has provided the following completion projections for H-1B cap cases currently at the Service Centers:

California Service Center – by June 15, 2007  
Nebraska Service Center – by May 10, 2007  
Texas Service Center – by May 10, 2007

Vermont Service Center – by June 2, 2007

Please note that these projections do not apply to the premium processing or non-cap H-1B cases. In addition, USCIS recommends that users wait at least 30 days from the applicable receipt processing time frame before inquiring about the status of a case. If a response is not received from USCIS within 30 days of the dates listed above, users should contact the Immigration Service either through its website or Customer Service telephone number (1-800-375-5283).

### **U.S.-VISIT Ends Biometric Exit Pilot Phase**

The U.S. Department of Homeland Security (DHS) recently announced that it intends to integrate biometric exit procedures into the existing international visitor departure process. DHS is in the process of implementing comprehensive biometric exit procedures at U.S. airports. The first step will be the completion of the three-year pilot program that required international visitors to biometrically check out at select airports and seaports. Effective May 6, 2007, international visitors will no longer be required to use U.S.-VISIT exit kiosks when departing the United States. However, international visitors who received a U.S. Customs and Border Protection Form I-94 Arrival-Departure records upon arrival must still return the form to an airline or ship representative when departing the United States.

To increase traveler compliance, DHS is determined that U.S.-VISIT air exit procedures should be incorporated into the existing international visitor departure process to minimize the effect on visitors and ensure seamless biometric collection regardless of departure point. DHS recently began discussing this strategy with the airline industry and will be working with air carriers to implement it. DHS will publish a regulation in the future to outline its plan for implementing an integrated air exit strategy.

Please contact any member of the Cohen & Grigsby Immigration Department if you have any questions regarding the above.

*To receive future bulletins by e-mail, please send an e-mail to [info@cohenlaw.com](mailto:info@cohenlaw.com).*