

Immigration and Travel After September 11

By Robin Vermette

As the United States unites in its grief and strengthens its resolve to keep terrorists out, we must remember the positive impact immigration has on our economy and to us as a nation of immigrants. To remain competitive in the global market, educators and employers search for the best and brightest in the U.S. and from around the world. For those who come to the U.S. to study or work, they are required to go through numerous screening steps.

ADMITTING STANDARDS

Before a visa is obtained, a foreign student must meet the school's admission requirements, pass an English language exam, and prove she has sufficient financial resources to cover tuition, fees and living expenses. If all requirements are met, the school issues a Certificate of Eligibility (I-20 or IAP-66) allowing the student to apply for a visa at the U.S. Embassy or Consulate in her home country. The student appears before a U.S. Consular Officer who will review her documentation and conduct an interview prior to issuing or denying a visa.

Employment of a foreign national is regulated by the U.S. Department of Labor (DOL) and the Immigration and Naturalization Service (INS). Upon determining that the applicant has the necessary skills and education for the position, an employer must attest to the DOL that the offered wage meets the prevailing wage before making application to the INS. The INS will review the application, especially the foreign national's credentials. Upon approval of the application by the INS, the prospective employee may obtain his visa from the U.S. Embassy or Consulate and go through a screening process much like the student.

At the port-of-entry, all foreign travelers to the U.S., particularly those coming to study or work, are inspected by an INS officer who reviews their documentation and conducts an interview before allowing the person entry. If the INS officer is suspicious of the person's documents or statements, he will be detained for further questioning or, in some cases, be refused entry and sent home.

HEIGHTENED SECURITY

The INS currently possesses authority to

detain and deport those who pose a threat to our nation's security. Increased efforts are being made by intelligence and law enforcement agencies, including the CIA and the FBI, to share critical information with the Department of State and the INS.

The Department of State has announced that men between the ages 18 and 45 from certain Arab and Muslim countries will be subject to a security check which will add to the processing time of a nonimmigrant visa application. Visa applicants may be required to complete detailed questionnaires. If born in a country now requiring enhanced scrutiny, the individual may be subject to these requirements regardless of current citizenship.

TRAVEL ISSUES

International travelers should expect closer scrutiny of their documents and longer lines at land borders and airports. All non-citizens should expect to be directed to secondary inspection and subject to fingerprints, FBI checks, and searches. It will be important to carry evidence of legal status and identity. For example, a U.S. citizen should carry an extra form of ID with a passport. A lawful permanent resident should carry his "green card" and unexpired passport. Nonimmigrant workers holding E, H, L, O, P or R visas should carry the I-797 approval notice issued by the INS, their unexpired passport with the appropriate visa or I-94 card and employment documentation – company ID card, recent payroll stub, business card, and/or letter from employer. Foreign students are required to carry an endorsed Certificate of Eligibility (I-20 or IAP-66) and unexpired passports with valid I-94 admission cards.

Employers, employees and students should check reliable resources before overseas travel. The U.S. Department of State (DOS), <http://travel.state.gov>, and its Overseas Security Advisory Council (OSAC), <http://www.ds-osac.org>, issue travel advisories and U.S. embassies and consulates have websites that provides up-to-date country conditions, instructions on applying for visas, and information for U.S. citizens.



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