

VISA STAMP

A third country national may go to Mexico to get their visa stamped for Change of Status. The American Consulate at Nuevo Laredo, Mexico has current appointments and will accommodate third country nationals. Call my office for further information (202)518-7855.

TN VISA

The TN visa may be obtained by professionals from Mexico or Canada who have a job offer in the United States. The job offered must be listed on Schedule 2 of the North American Free Trade Agreement. Schedule 2 jobs usually require a University degree. The TN visa allows the holder to enter and work in the United States for one year when the TN visa must be renewed. This visa is renewable indefinitely, but it cannot be converted to a permanent resident or "green card".

MARRIAGE VISA

A fiancee and marriage visa may be obtained by an American citizen for a foreign national fiance. This process allows the foreign national to travel to the USA and obtain a Work Permit, but the marriage must take place within 90 days after obtaining the fiance visa.

If the wedding will not take place within 90 days, then the foreign national may not enter the USA on the fiance visa, but may enter on a tourist visa (B-2) which is usually valid for six months and renewable for one year.

If the wedding takes place outside the USA, then the foreign national may not enter the USA until the visa processing is completed. This usually takes about six (6) months or longer.

EMPLOYER'S CORNER

H-1B

Take note that DOL has hit an employer with fines because the employer did not pay the \$500 INS Filing Fee. When a disgruntled employee complained because he was not hired and a foreign worker was hired, the Department of Labor began an investigation. DON'T VIOLATE THE LAW!!

If you are unsure whether you are in compliance with the law, have your attorney review your files to be certain that you are in compliance.

I-9s

Under the Immigration Reform and Control Act of 1986, all employers must verify that every person that is hired is either a US citizen, permanent resident, or foreign national with authorization to work in the US. All employers are subject to civil and criminal penalties for knowingly hiring or continuing to employ aliens who are not authorized to work in the US. Remember that INS will always check your I-9s. Be sure to have them properly completed and up to date. If you need assistance with the I-9 procedure, call my office at (202)518-7855

LCAs

Be sure to post your LCA at the work site and keep a copy of the posting in a separate file with a copy of the approved LCA and a list of the employees who work under that LCA.

If your foreign worker employee moves from one work site to another, be advised that another LCA is required for additional work sites where the foreign worker is sent for more than 90 days. This is especially important for contractors who send their employees to several work sites. You may be required to obtain several LCAs for the same employee. Be sure to communicate this information to your attorney so that we may assist you to remain in compliance and avoid fines.

For an accurate Education Credentials Evaluation, email eve@calderonlaw.com