



The September 11th attacks have had a great impact upon immigration. Immediately after the attacks rumors flew about changes in immigration laws. No more student visas! Middle Easterners would no longer be eligible for visas! The borders are closing! While the rumors proved to be false, Congress and the U.S. as a whole are re-examining our immigration laws. Immigration is now seen as a tool in the war against terrorism.

Security Measures at Home

One of the most significant changes has been in the increased security measures here in the United States. United States Attorneys are now enforcing a provision that requires nonimmigrant and immigrants to carry with them at all times evidence of their valid status within the U.S. For non-immigrants, this means carrying their passport with their visa stamp, as well as an approval notice or an I-20. For immigrants, this entails carrying their green card. This is relevant not only when individuals travel and are inspected at airports, but could also be necessary if a foreign national is stopped for a traffic violation.

Due to increased security measures at airports, it is advisable for individuals to carry more than one piece of evidence that shows their status in the U.S. Nonimmigrants should carry a valid visa, which corresponds to their current status, a valid passport, and INS approval notice. In addition it is recommended that they carry a recent letter from their employer verifying their employment, a copy of the underlying petition, and, if applicable, a recent pay stub. Please note that

Canadians do not need to have a valid visa unless they are in E classification. Permanent residents should carry their green cards and should also have one additional form of photo identification.

Processing at U.S. Consulates Abroad

Consular processing of visas has also been affected by anthrax scares, bombings, and terrorist threats. The possibility that a Consulate could close without advance notice is increasing after events in Yemen, Peru, and Pakistan. In addition, it is more difficult to estimate the time an individual will need to be overseas in order to undergo consular processing due to background clearance screening. If an individual is planning on processing at the Consulate overseas, they must contact the U.S. Embassy or consulate in that area to ensure that the consulate is currently processing visas. Also, foreign nationals should check to determine whether or not the Embassy or Consulate has changed any of its policies concerning visa processing.

Individuals who plan on applying for a visa in Canada or Mexico as a third country national must take extra precautions. It is now possible that Consulates will cancel appointments made by third country nationals because of the additional security checks. Also, a change in the regulations makes visa processing as a third country national more risky. Previously, a third country national denied a visa in Canada or Mexico could re-enter the U.S. from Canada or Mexico without a visa as long as the trip was less than 30 days in length and the I-94 card and passport were still valid. This rule no longer applies. Thus, a person who attempts to apply for a visa in Canada or Mexico must be approved for that visa. Otherwise, they cannot re-enter the U.S. on their previous visa and I-94. If a person is denied a visa in Canada or Mexico, the foreign national must go to their home country in order to be processed for the visa. Therefore, any person who intends to process in Canada or Mexico must carefully have their immigration documentation reviewed in order to ensure that the visa will be issued and they will be able to re-enter the U.S.

The USA Patriot Act

The USA Patriot Act (Uniting and Strengthening America by Providing

Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001) was enacted in order to protect U.S. citizens from terrorism as well as provide benefits to families of the victims. The USA Patriot Act requires all countries that participate in the Visa Waiver program to issue machine-readable passports by October 1, 2003.

Security along the borders is a primary concern and the USA Patriot Act increases funding for the Border Patrol. An entry-exit system will be developed and implemented to improve monitoring of our borders. In addition, the U.S. has entered into agreements with both Canada and Mexico to strengthen borders, share security information, and harmonize the flow of goods and people throughout North America.

Conclusion

Legislation continues to be proposed to fight terrorism through immigration rules and regulations. The Bio-Terrorism Prevention Act has been proposed to prohibit nonimmigrants from working with biological agents or toxins unless the Attorney General and the Secretary of Health and Human Services obtain a waiver. There have also been proposals to limit the subject areas in which foreign students can study. Several current immigration rules are being reconsidered. The B visa is under close scrutiny. The INS is also re-evaluating the Visa Waiver program. The visa waiver program allows individuals from certain countries to enter the U.S. for up to 90 days as visitors without the requirement of obtaining a visa. There has been some movement to eliminate the provision in the future. Finally, the split of the INS into a services arm and an enforcement arm has also been seen as a solution to some of the mishaps that have recently occurred.

Whatever changes are made, immigration will continue to be a matter of high priority in the fight against terrorism and the effects of September 11th will continue to have an impact not only upon the American psyche, but also upon the melting pot created by immigration.

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