

USCIS (formerly INS) continues to expand online InfoPass service.

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By Victor Motak

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Citizenship and Immigration Services (formerly Immigration and Naturalization Services, INS) continues to rollout its immigration information by appointment system called InfoPass, with three new USCIS districts added last week. Atlanta, Boston and Houston are the newest additions, making the system now available in almost all major metropolitan areas with large immigrant populations. These areas include Los Angeles, New York and Miami.

Along with the Case Status Online service (allows user to check the status of some pending applications, e.g. green card applications) which was made available earlier this year on the Internet, and the electronic filing of the 12 most popular immigration forms, (accounts for more than 50% of all immigration benefit applications filed each year) InfoPass is the newest effort intended to reduce long lines and speed up the processing backlog of services provided by the USCIS.

InfoPass allows anyone who is living in a serviced USCIS district and seeking immigration benefits to schedule an appointment with immigration officers via the Internet. The simple to use online system allows users to discuss complex immigration issues with USCIS officials, while avoiding the long lines.

The secure Internet site offers service in 12 languages and is organized in a series of prompts, asking the user to enter their name, zip code, address, phone number and a desired appointment date. Once all the information is entered, the system will generate an appointment notice. Appointments are offered in two-week blocks. The notice will provide the address of the USCIS office and any information regarding required identification and/or additional documentation, such as a green card or work permit, to be presented at the appointment.

Victor Motak

Staff member of providing information on paths to legalized status in the United States.

K1 Visas in Russia

By Annas Agency®

Background

After spending countless hours and large sums of money finding that special someone, you may think that the large part of your search is over - this is not so. It will now be your job to navigate the maze of regulations affecting US citizens looking to marry foreigners. Following the September 11 attacks, the USCIS (formerly INS) has imposed even more stringent regulations. It will now take many more months before your fiancé's background checks are completed. To expedite the process, it is advisable a qualified immigration specialist is contacted. If you live in another country you should also consider the speaking to a local specialist. In South Africa for example, it is possible economically obtain the services of a law firm which specializes in Russian/South African marriages

Recently a Russian woman living in the US was deported to Russia. She had been married for 3 years, had a steady job and also had a child with her new husband. The INS deported her because she had not stated her actual intention for entering the country. If you marry your girlfriend visiting you on one of those visas, her legal status in the USA will be questionable, and she may be refused permanent resident status on the basis of visa fraud if the USCIS believes her aim of visiting United States was simply for marrying a US Citizen. Once a violation of visa regulation is recorded, it will be difficult if not impossible for the person to ever receive a K-1 visa or any other type of visa to the USA. It is best to make sure you understand the requirements of a fiancé visa.

What are the requirements for a fiancée visa? You must be a U.S. citizen. You have met your fiancée in person within the previous two years Both you and your fiancée are legally free to marry. You meet certain minimum income requirements.* Your fiancée does not have a criminal record. Your fiancée has not violated certain U.S. immigration laws.

Can my fiancée or potential fiancée enter the U.S. on a B-1/2 visitor visa to satisfy the personal meeting requirement described above?

If she is from a "third world" country or a country of the former Soviet Union, she will not be able to legally obtain a visitor's visa to the U.S. If she is from a country such as England, Canada, Australia, etc., she will be able to enter the U.S. on either a visitor's visa or on visa waiver. However, she must still return to her country to obtain a fiancée visa if your intention is to marry her.

How long does it take to obtain a fiancée visa?

The times vary and are constantly changing depending on the area of the U.S. in which you reside and the country in which your fiancée resides, but generally it should not exceed 3-4 months if the application is handled correctly. The "secrets" to the timing are to ensure that the fiancée visa petition is perfect when it is submitted to the USCIS and that you or your attorney monitor the case as it processes through the bureaucratic system. If you have an attorney, he or she must have the knowledge and experience necessary to solve any problems that may pop up with either the USCIS or

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the Embassy. Unfortunately, problems do occur even when the petition is perfect. Keep in mind that the officers at both the USCIS and the Embassies are tremendously overworked and sometimes under trained. Like any job, some officers enjoy their work more than do others. If you are able to get through on the general public phone lines, the USCIS or US Consulate staff you talk to has only a computer screen in front of them to look at – not your case file – and can only make educated guesses as to what the status is. However, many staff members are unfamiliar with the fiancée visa or spousal visa processes because the K visa represents only a small fraction of immigration filings. A problem at the USCIS can delay your petition 3 months or longer and a problem at the Embassy can delay the application 6–12 months. If such a delay occurs you want to have someone representing you who knows what to do and how to do it in order to keep the delay to a minimum.

Can a fiancée visa be refused?

Yes, though if you and your fiancée are genuine and meet the requirements this should not happen. Of the thousands of fiancée visa petitions filed with the USCIS every year, only approximately 60% result in a fiancée visa ever being issued by the Embassies. Why the figure is so low? Of the 40% that do not make it, most are not denied but are terminated, by either the fiancée or U.S. fiancée, because there were problems with either the USCIS or the Embassy that created long delays in the processing. So the timing is very essential in the fiancée visa process.

What is the best way to approach the fiancée visa process?

There are several ways you can approach the fiancée visa process:

1. You can attempt to handle the paperwork yourself.

You and your fiancée fill out all documents yourselves, send them to USCIS, and wait for the results.

2. You can use a so called "fiancée visa service" to assist you.

In this way you hire somebody to fill out the documents for you and your fiancée, send them to USCIS, and wait for the results. This is probably the least desirable method as the "services", although they may lead you to believe they are attorneys, are in fact not US Immigration attorneys. When a problem or delay occurs in the normal course of processing, they cannot represent you or your fiancée before the Immigration and Naturalization Service or with the appropriate U.S. Embassy. When they cannot provide immigration help, or are unwilling to do so, you have no one to complain to because they are unlicensed and unregulated. Especially, do not hire an agency overseas. Fiancée visas are processed according to U.S. law, not the laws of the country where your fiancée resides. "Foreign agents" outside the U.S. are nearly always a scam. Always ask for a license when hiring an immigration service.

3. You can hire a U.S. immigration law firm that specializes in fiancée visas.

Although this is the more expensive of the three approaches, if you want your fiancée with you in the U.S. with speed and certainty and with the least amount of hassles, delays, investigations or denials, this is certainly the way to go. In your search for a U.S. immigration law firm to handle your matter, it is important to find someone who has the knowledge and skill to work your case through the system in a

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timely manner to the successful issuance of the visa, and has the necessary experience and established connections.

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