

JULY 2002

## IMMIGRATION CLIENT ALERT

### INS TO STREAMLINE GREEN CARD PROCESS FOR FOREIGN WORKERS

Today, INS is expected to publish a regulation allowing concurrent filing of I-140 petitions and I-485 adjustment of status applications. The new regulation represents a significant improvement in the business-based permanent residence process. This alert will help human resources and legal staff at your company answer questions from foreign national employees who are in the process of applying for lawful permanent residence.

***How will the new regulation change current filing procedures?*** Under current regulations, the I-140 immigrant petition must be approved before the applicant can file the I-485. The new regulation will permit the I-140 petition and the I-485 application to be filed together, creating a one-step process.

***What will be the benefit of the one-step filing procedure?*** Until now, applicants for permanent residence had to wait four to eight months for the I-140 to be approved before they could file for adjustment of status, work authorization and advance parole travel documents. The new regulation will allow applicants for permanent residence to request work authorization and travel documents at an earlier stage in the process.

***When can applicants begin to take advantage of one-step filings?*** The regulation will take effect on the date of publication in the Federal Register, which is expected to be today. As it is an interim regulation, there will be a comment period, and the details of the final regulation may differ from the interim version. However, although the regulation is effective upon publication, we are advising clients NOT to file one-step adjustments until the INS clarifies the procedures to ensure that forms and fees are properly filed.

***Does the regulation affect cases where the I-140 has already been filed?*** The regulation permits a person that has an I-140 petition pending on the effective date of the regulation to join an I-485 adjustment of status application. Upon request from our clients, we will file an I-485 application to join to a pending I-140 after INS provides filing instructions.

***Can applicants still choose consular processing as an option?*** Applicants can still opt to obtain permanent residence through consular processing. The regulation only changes the process in providing an option to file the I-485 application earlier in the process if the applicant wishes to do so. However, the one-step filing procedure may make consular processing a less attractive option in many cases.

***For more information:*** Please contact any of the attorneys in the Sidley Austin Brown & Wood Immigration Practice if you have any questions.

THE IMMIGRATION PRACTICE OF SIDLEY AUSTIN BROWN & WOOD

Our Immigration practice area develops a comprehensive and cost effective strategy to address the unique immigration needs of each client. The legal services we offer include assistance in obtaining temporary visas, permanent residence and U.S. citizenship. We also provide employees with immigration advice related to mergers and acquisitions, corporate law, international tax, I-9 compliance and other labor issues affecting the employment of foreign nationals. We routinely represent clients before the U.S. Immigration and Naturalization Service, Department of Labor, Department of State and U.S. consular posts worldwide.

For further information concerning any of the items described in this update, please contact any of the attorneys in our Immigration Group:

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