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Immigration Newsflash

INS Announces Filing Procedures for Applications for Work Authorization for Spouses of E and L Visa Holders; Justice Department Terminates Argentina's Participation in the VWP

INS Announces Filing Procedures for Applications for Work Authorization for Spouses of E and L Visa Holders

Pursuant to a new law passed in January 2002, INS has announced procedures for filing work authorization applications for dependent spouses of E and L visa holders. According to these procedures, spouses of E and L visa holders seeking employment authorization must file Form I-765, Application for Employment Authorization, with the Service Center having jurisdiction over the dependent spouse's place of residence. However, applications filed concurrently with E applications may only be filed at the appropriate California or Texas Service Center. In addition, spouses may file the I-765 concurrently with an application to extend or change nonimmigrant status.

INS has up to 90 days to adjudicate the employment authorization appli-

cation. In the event that the individual does not receive the employment authorization card within this 90-day period, the individual may go the local INS office to receive an interim employment authorization document that will be valid for up to 240 days. INS will grant an employment authorization card for the duration of the principal's E or L status, but not to exceed an initial two-year period. Thereafter, an application to renew employment authorization must be filed.

Justice Department Terminates Argentina's Participation in the VWP

On February 20, the Department of Justice announced, under an emergency termination provision, the imminent publication of an interim rule to remove Argentina officially from the Visa Waiver Program (VWP). The decision follows Argentina's recent economic collapse

that has led to a 20 percent unemployment rate and economic uncertainty. According to the February 20th press release, INS has experienced an increase in the number of Argentine nationals attempting to use the VWP to enter the U.S. and remain here without authorization upon the expiration of their 90-day periods of admission. Argentine nationals who intend to travel to the U.S. for legitimate business or pleasure are now required to obtain nonimmigrant visas at a U.S. consulate or embassy prior to arriving into the United States. According to INS sources, other countries are also being examined for possible elimination from the VWP.

The information in this Alert is not intended to be legal advice. However, if you require legal assistance or would like additional information about immigration matters, please contact your local Paul Hastings representative or Daryl Buffenstein at 404-815-2232 or via email at darylbuffenstein@paulhastings.com.

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