

## SEPTEMBER 2007 VISA AVAILABILITY

The bulletin issued by the Visa Office of the Bureau of Consular Affairs of the U.S. Department of State gives the following availability position for issuance of immigrant visas during September 2007:

### Persons Chargeable to India

#### Family-Sponsored Preferences

1st Preference	Oct 01, 2001
2nd Preference	
2A	Oct 08, 2002
2B	Jul 01, 1998
3rd Preference	Jan 01 2000
4th Preference	Apr 15, 1996

#### Employment-Based Preferences

1st Preference	Jan 01, 2007
2nd Preference	Apr 01, 2004
3rd Preference	Unavailable
Other Workers	Unavailable
4 <sup>th</sup> Preference	Jan 01, 2007
Certain Religious Workers	Jan 01, 2007
5 <sup>th</sup> Preference	Jan 01, 2007
Targeted Emp Areas	Jan 01, 2007

### Persons Chargeable to Other Countries

For other chargeability areas, including Pakistan, Bangladesh, Sri Lanka, United Kingdom, and the nations of Africa, the cut-off dates for September 2007 are:

#### Family-Sponsored Preferences

1st Preference	Oct 01, 2001
2nd Preference	
2A	Oct 08, 2002
2B	Jul 01, 1998
3rd Preference	Jan 01, 2000
4th Preference	Mar 01, 1997

### Employment-Based Preferences

1st Preference	Jan 01, 2007
2nd Preference	Jan 01, 2007
3rd Preference	Aug 01, 2002
Other Workers	Unavailable
4th Preference	Jan 01, 2007
Certain Religious Workers	Jan 01, 2007
5th Preference	Jan 01, 2007
Targeted Emp Areas	Jan 01, 2007

## Employers Who Receive No Match Letter

U.S. Immigration and Customs Enforcement is tightening the regulations relating to the unlawful hiring or continued employment of unauthorized aliens, which becomes effective on September 14, 2007.

The amended regulation describes the legal obligations of an employer, under current immigration law, when the employer receives a no-match letter from the Social Security Administration or receives a letter regarding employment verification forms [Form I-9] from the Department of Homeland Security. It also describes "safe-harbor" procedures that the employer can follow in response to such a letter and thereby be certain that the Department of Homeland Security will not use the letter as any part of an allegation that the employer had constructive knowledge that the employee referred to in the letter was an alien not authorized to work in the United States.

The final rule adds two more examples to the current regulation's definition of "knowing" to illustrate situations that may lead to a finding that an employer had such constructive knowledge. These additional examples involve an

employer's failure to take reasonable steps in response to either of two events: The employer receives a written notice from the Social Security Administration (such as an "Employer Correction Request" commonly known as an employer "no match letter") that the combination of name and Social Security account number submitted to the Social Security Administration for an employee does not match agency records; or the employer receives written notice from the Department of Homeland Security that the immigration status or employment-authorization documentation presented or referenced by the employee in completing Form I-9 was not assigned to the employee according to Department of Homeland Security records.

The rule also states that DHS will continue to review the totality of relevant circumstances in determining if an employer had constructive knowledge that an employee was an unauthorized alien in a situation described in any of the regulation's examples. The "safe-harbor" procedures include attempting to resolve the no-match and, if it cannot be resolved within a certain period of time, verifying again the employee's identity and employment authorization through a specified process.