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Changes in Employment Authorization Procedure

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Several changes in processing procedures have been implemented by the Immigration and Naturalization Service. Because these changes have been confusing even to other government offices like the Social Security Administration, Mr. Lawrence Weinig, acting assistant INS Commissioner for Adjudication, has outlined these changes. Basically, the changes revise the manner in which applicants and petitioners are notified of INS decisions.

1. Documents Indicating Extension of Nonimmigrant Benefits.

Nonimmigrant aliens whose employment authorization is incident to status with a specific employer who apply for and are granted an extension of that status with the same employer will receive a Notice of Action, Form I-797, from the Service. The Service will no longer endorse the reverse side of the alien's Arrival/Departure Record, Form I-94, to reflect the grant of extension of stay.

2. Documents Indicating Change of Nonimmigrant Status.

Certain aliens lawfully in the United States as nonimmigrants who apply for and are granted a change of nonimmigrant classification to that of an alien whose employment authorization is incident to status with a specific employer will receive a Notice of Action, Form I-797, from the Service. The Service will no longer endorse the reverse side of the alien's Arrival/Departure record, Form I-94, to reflect the grant of a change of nonimmigrant status.

3. Documents Indicating a Change of Employer.

Aliens admitted as nonimmigrants whose employment authorization is incident to status with a specific employer who apply for and are granted the right to work with a different employer will receive a Notice of Action, Form I-797, from the Service. The Service will no longer endorse the reverse side of the alien's Arrival/Departure record, Form I-94, to reflect the change of employer.

4. Documents Indicating Grant of Family Unity Benefits.

Aliens physically present in the United States who apply for and are granted benefits under the Family Unity Program (Public law 101-649, Section 301) will receive a Notice of Action, Form I-797, from the Service. An Arrival/Departure Record, Form I-94, will not be endorsed to reflect the grant of Family Fairness program benefits. An alien granted Family Unity benefits may apply for employment authorization to the Service. Such an alien will be issued an Employment Authorization Document, Form I-688B, to reflect the grant of employment. Aliens granted Family Unity benefits are not required to apply for employment authorization. An alien granted Family Unity benefits who was lawfully admitted to the United States prior to obtaining such benefits may be in possession of Form I-94: not all aliens granted Family Unity benefits will be in possession of Form I-94.

5. Classes of Aliens Affected by these Procedural Changes.

With the passage of the Immigration Reform and Control Act of 1986, the Service codified all classes of aliens eligible to work in the United States at Title 8 Code of Federal Regulations Part 274a. Classes of aliens who are eligible to work in the United States incident to status with a specific employer are listed at 8 CFR 274a. 12(b) and may be affected by the recent procedural changes. Aliens granted Family Unity Program benefits are not authorized employment incident to status and must request the right to work from the Service. The following lists the classes of aliens who may work with a specific employer and the corresponding Class of Admission Symbol used by the Service:

A. Foreign Government Official	A-1/A-2
B. Employee of a Foreign Government Official	A-3
C. Foreign Government Official in transit	C-2/C-3
D. treaty Trader or Investor	E-1/E-2
E. Foreign Student	F-1
F. Representative of International Organization	G-3/G-4
G. Personal Employee of Representative of International Organization	G-5
H. Temporary Worker or Trainee	H-1A/H-1B
I. Representative of Foreign Media	I
J. Exchange Visitor	J-1
K. Intracompany Transferee	L-1
L. NATO Officers and Personnel	NATO
M. Canadian Professional under the US-Canada Free Trade Agreement	TC
N. Alien of outstanding abilities	O-1/O-2
O. Performing Athletes, Artists or Entertainers	P-1/P-2/P-3
P. International Cultural Exchange Visitor	Q-1
Q. Religious Worker	R-1