



U.S. Department of Justice

Immigration and Naturalization Service

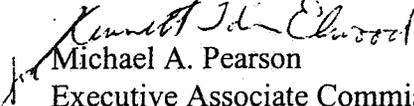
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425 Eye Street N.W.
Washington, D.C. 20536

FEB 8 1999

MEMORANDUM FOR: REGIONAL DIRECTORS
SERVICE CENTER DIRECTORS
DISTRICT DIRECTORS (including foreign)

FROM: 
Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Special Immigrant Status for certain North Atlantic Treaty
Organization (NATO) civilian employees.

PURPOSE: The purpose of this memorandum is to advise Service Officers of the new
legislation which amends and expands the applicability of section
101(a)(27) of the Act in order to give Special Immigrant Status to certain
NATO civilian employees.

DISCUSSION:

On October 21, 1998, the President signed into law the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999, Pub. L. No. 105-277. Section 421 of Title IV of the Appropriations Act, also called the American Competitiveness and Workforce Improvement Act of 1998, adds a new section 101(a)(27)(L) to the Immigration and Nationality Act, which sets forth that certain North Atlantic Treaty Organization (NATO) civilian employees will be eligible for special immigrant status. Furthermore, it modifies section 101(a)(15)(N) of the Act to provide for nonimmigrant status for parents and children of such NATO civilian employees granted special immigrant status under this new law.

This class of aliens has identical eligibility requirements as the G-4 nonimmigrants who are eligible for special immigrant status pursuant to section 101(a)(27)(I) of the Act and 8 CFR 101.5.

Special Immigrant Status for certain NATO civilian employees

As of October 21, 1998, the term "special immigrant" includes the following four categories.

- (1) **an immigrant who is the unmarried son or daughter** of an employee, or of a former employee, of NATO, and who while maintaining the status of a nonimmigrant classifiable under NATO-6* or 101(a)(15)(N) of the INA, as amended, has:
- (a) resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for visa or adjustment of status; and
 - (b) resided and been physically present in the United States for a period or periods aggregating at least **seven years** between the ages of five and 21 years.

Individuals in this category must file **an application for adjustment of status or immigrant visa** no later than their twenty-fifth birthday or April 21, 1999, whichever is later;

- (2) **an immigrant who is the surviving spouse of a deceased employee** of NATO, and who while maintaining the status of a nonimmigrant classifiable under NATO-6* or 101(a)(15)(N) of the INA, as amended, has:
- (a) resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for visa or adjustment of status; and
 - (b) has resided and been physically present in the United States for a period or periods aggregating at least **15 years** before the date of the death of such employee of NATO.

Individuals in this category must file **a petition for special immigrant status** no later than six months after the date of such death or April 21, 1999, whichever is later;

- (3) **an immigrant who is a retired employee** of NATO, and who:
- (a) while maintaining the status of a NATO-6* nonimmigrant has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for visa or adjustment of status; and
 - (b) has resided and been physically present in the United States for a period or periods aggregating at least **15 years** before the date of the employee's retirement from NATO.

Individuals in this category must file **a petition for special immigrant status** no later than six months after the date of such retirement or April 21, 1999, whichever is later.

- (4) **an immigrant who is the spouse of an employee** of NATO accorded the status of special immigrant under paragraph (3) above, **accompanying or following to join** such retired employee of NATO as a member of his immediate family.

*as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the "Protocol on the Status of International Military Headquarters" set up pursuant to the North Atlantic Treaty, or as a dependent.

Special Immigrant Status for certain NATO civilian employees

Filing Instructions

Individuals in the United States applying for adjustment to special immigrant status under this provision of law may submit Form I-360 (rev. 03/07/96) , Form I-566 (rev. 4/17/98), and evidence of the requisite residence and physical presence concurrently with all the forms required for adjustment of status to the Vermont Service Center. Please note, individuals are not required to concurrently file for adjustment of status and may simply seek classification as a special immigrant by filing the Form I-360 with supporting documentation at the Vermont Service Center. In such a case, if the petition is approved, these individuals may file for adjustment of status at a later date at the Vermont Service Center.

Individuals outside the United States applying for special immigrant status under this provision of law shall file Form I-360, Form I-566, and evidence of residence and physical presence to the INS office overseas having jurisdiction over their place of residence.

Processing

In the case of an applicant who has submitted the requisite eligibility evidence timely, and upon examination of all forms and evidence submitted, all relevant Service records and all other relevant law enforcement indices, if the director of the Vermont Service Center determines that the alien is clearly eligible for adjustment to special immigrant status and that an interview is not necessary, the director may approve the application.

Upon examination of the application, all supporting documentation, all relevant Service resources, and all other relevant law enforcement indices, if the director of the Vermont Service Center determines that the alien is clearly ineligible for adjustment to special immigrant status and that an interview is not necessary, the director may deny the application.

In any case in which the director of the Vermont Service Center determines that an interview of the applicant is necessary, that director shall forward the case to the appropriate local Service office for interview and adjudication.

New Class of Admission and Adjustment codes have been requested. You will be advised as soon as they are assigned. If you have further questions, please contact Miriam Hetfield in HQADN at (202) 514-4754.

Attachment

CC: NATO SAACLANT
CC: DOS-Consular Affairs/Visa Office
CC: Academy-Glynco
CC: Academy-Artesia

CC: OCR

CC: Interpreter Releases

tor, such as the level of inflation or unemployment, that warrants action by the Congress.

**SUBTITLE B—SPECIAL IMMIGRANT STATUS FOR CERTAIN
NATO CIVILIAN EMPLOYEES**

**SEC. 421. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO
CIVILIAN EMPLOYEES.**

(a) *IN GENERAL.*—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking “or” at the end of subparagraph (J);

(2) by striking the period at the end of subparagraph (K) and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

“(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference to the North Atlantic Treaty Organization (NATO);

“(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO-6 (as a member of a civilian component accompanying a

force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the 'Protocol on the Status of International Military Headquarters' set up pursuant to the North Atlantic Treaty, or as a dependent); and

“(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the American Competitiveness and Workforce Improvement Act of 1998.”

(b) CONFORMING NONIMMIGRANT STATUS FOR CERTAIN PARENTS OF SPECIAL IMMIGRANT CHILDREN.—Section 101(a)(15)(N) (8 U.S.C. 1101(a)(15)(N)) is amended—

(1) by inserting “(or under analogous authority under paragraph (27)(L))” after “(27)(I)(i)”; and

(2) by inserting “(or under analogous authority under paragraph (27)(L))” after “(27)(I)”.

SUBTITLE C—MISCELLANEOUS PROVISION

SEC. 431. ACADEMIC HONORARIA.

(a) IN GENERAL.—Section 212 (8 U.S.C. 1182), as amended by section 415, is further amended by adding at the end the following: