



Secretariat

ST/IC/89/7
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INFORMATION CIRCULAR

To: Members of the staff

From: The Under-Secretary-General for Administration and Management

Subject: UNITED STATES IMMIGRATION TECHNICAL CORRECTIONS
ACT OF 1988

1. The purpose of the present circular is to inform interested individuals about significant clarifications and changes to the United States Immigration Reform and Control Act of 1986. That Act, inter alia, established a special immigrant category for former G-4 officials or employees, their spouses or surviving spouses and eligible dependants. Other than as herein indicated, the information set out in information circular ST/IC/87/16 and Corr.1, which provided general information on the Act and the procedures whereby the Organization certifies G-4 status, remains applicable.

2. On 24 October 1988 the Immigration Technical Corrections Act of 1988 (Public Law 100-525) was signed into law by the President of the United States of America and entered into force that same day. Its significant provisions with respect to G-4 special immigrants are as follows:

(a) A former staff member, spouse or surviving spouse and unmarried son or daughter will be considered as having been residing and physically present in the United States for the purpose of meeting the time requirements for the G-4 special immigrant status (see annexed table) during periods of absence from a United States duty station on official business or because of "customary" (presumably vacation and/or home) leave. The possibility of including such periods, which is clearly beneficial to those interested in G-4 special immigrant status, does not apply to school attendance outside the United States by unmarried sons and daughters of staff members and will likely not apply (depending on regulations to be issued) to periods of continuous absence from the United States duty station involving, for example, the service of a United States-based staff member on a prolonged mission outside the country;

(b) The class of non-immigrant aliens who are not barred from adjusting their status while in the United States is extended to include those who are in the

course of petitioning for G-4 special immigrant status. This means that as long as eligible persons apply for an immigrant visa before the expiration of their G-4 visa, they may stay in the United States while awaiting the disposition of their application and, if that is favourable, receive their immigration visa in the United States. Prior to the enactment of the Immigration Technical Corrections Act, individuals who had lost their G-4 status (and had no other legal status) or who had worked in the United States (i.e., in non-United Nations employment) without authorization, were statutorily barred from "adjusting" their non-immigrant status to that of immigrant (i.e., permanent resident) while in the United States. Henceforth, such individuals will no longer be required, as was the case under the former law, to return to their home country and await the processing of their immigration visa;

(c) The deadline for submitting petitions for an immigrant visa is extended to 24 April 1989 for those individuals (see para. 3 below) who missed the former deadline of 6 May 1987 and who, but for the extension, would no longer be eligible for G-4 special immigrant status.

3. The extension of the deadline to 24 April 1989 is of particular importance to the following individuals who either did not previously file a petition for G-4 special immigrant status and now wish to do so, or who had filed previously but missed the former deadline of 6 May 1987:

(a) An unmarried son or daughter of an official on a G-4 visa who has reached his or her twenty-fifth birthday;

(b) A surviving spouse of a deceased official formerly on a G-4 visa who failed to file a petition within six months of the official's death;

(c) A retired official formerly on a G-4 visa who failed to file a petition within six months of retirement.

4. As a consequence of the amendments referred to in paragraph 2 above, the table set out in the annex to the present circular should be substituted for the table annexed to information circular ST/IC/87/16. It summarizes the provisions referred to in that circular, as now amended, in terms of categories of potentially affected persons, indicating for each any required periods of United States residence and physical presence and the relevant application deadlines. It should, however, be understood that this table is not intended to set out all the detailed requirements relating to any of these categories and that in any event the provisions of the Immigration Reform and Control Act and the Immigration Technical Corrections Act are supplemented by regulations and are being implemented using application and other forms issued by the competent United States authorities.

5. Evidently, these changes to United States immigration law are of great importance to staff members and other persons wishing to benefit from them. They should, therefore, seek the advice of competent immigration lawyers. Neither the Office of Legal Affairs nor the Office of Human Resources Management is staffed to provide advice or assistance as to the status of non-United States staff members, former staff members or relatives wishing to stay in the United States on bases other than on a G-4 visa.

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Annex
SUMMARY OF PROVISIONS OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986 AND THE IMMIGRATION TECHNICAL CORRECTIONS ACT OF 1988
RELEVANT TO PERSONS ON OR FORMERLY ON G-4 VISAS AND CERTAIN OF THEIR RELATIVES

Category	Required residence and physical presence in the United States	Application deadlines: Later of	United States Code Section
A. Eligible for new "special immigrant" status:			
(1) Unmarried son or daughter of official on G-4 visa	On a G-4 or N visa: (a) 1/2 of the 7 yrs. before date of application; and (b) 7 yrs. <u>a/</u> <u>b/</u> between ages 5 and 21	(a) 24 April 1989; or (b) 25th birthday	1101(a) (27) (i) (i) <u>d/</u>
(2) Surviving spouse of deceased official formerly on G-4 visa	On a G-4 or N visa: (a) 1/2 of the 7 yrs. before date of application; and (b) 15 years <u>a/</u> before death of official	(a) 24 April 1989; or (b) 6 months after death of official	1101(a) (27) (i) (ii) <u>d/</u>
(3) Retired official formerly on G-4 visa	On a G-4 visa: (a) 1/2 of the 7 yrs. before date of application; and (b) 15 years <u>a/</u> before date of retirement	(a) 24 April 1989; or (b) 6 months after retirement; but (c) No later than 31 Dec. 1992	1101(a) (27) (i) (iii) <u>d/</u>
(4) Spouse of a retired official granted special immigrant status under A(3), who accompanies or follows official as member of immediate family	None	None	1101(a) (27) (i) (iv)
B. Eligible for new "N" category non-immigrant visa:			
(1) Parent of child granted special immigrant status under A(1), until child becomes 21	None	None	1101(a) (15) (N) (i)
(2) Child, until age 21, of parent who is granted: (a) "N" visa under B(1); or (b) Special immigrant status under A(2), (3) or (4)	None None	None None	1101(a) (15) (N) (ii)
C. Other new eligibilities for immigrant status:			
(1) "Illegal" alien (e.g., perhaps one who stayed in the United States in spite of expiration of G-4 visa but is not eligible under A(1)-(4))	(a) Continuous illegal residence <u>c/</u> in the United States since at least 31 December 1981 until date of application for "special temporary legal" status; and (b) Continuous physical presence in the United States from 6 Nov. 1986 until date of application	(a) For "special temporary legal" status for a one-year period beginning 5 May 1987 (b) For immigrant status After at least 18 months in status (a)	1255A
(2) Alien of "good moral character"	Continuous residence <u>c/</u> in the United States on any basis (including a G-4 or N visa) since at least 31 December 1971 until date of application for immigrant status	For immigrant status No deadline	1255 (amended)

a/ These amounts are totals, and need not constitute a continuous period. They can include reasonable periods the person was absent from the United States on official business or on customary leave, as long as the duty station and residence were maintained in the United States.

b/ Does not include periods of enrolment in a school outside the United States.

c/ Does not require continuous physical presence in the United States.

d/ As amended by Section 2(o) of the Immigration Technical Corrections Act of 1988.