GT GreenbergTraurig

Immigration Observer

December 2009

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Worksite Enforcement

DHS Symposium on Enforcement

On November 19, 2009, DHS Secretary Janet Napolitano was joined by ICE Assistant Secretary John Morton and USCIS Director Alejandro Mayorkas in announcing the new "I E-Verify" campaign to recognize the approximately 170,000 businesses nationwide that use E-Verify. This new campaign highlights the commitment of employers to work with DHS to ensure a legal workforce.

Secretary Napolitano stressed that employers should be rewarded for maintaining a legal workforce and that employers who work with illegal and cheaper labor should be held accountable. The Secretary promised a commitment to employers and noted that E-Verify and IMAGE will be the centerpiece in all efforts. She also pointed out the value of such approaches and invited all businesses to join up and "follow the law."

In addition to updating the public on the results of this summer's 652 ICE Form I-9 audits, Worksite Unit Chief Brett Dreyer announced that 1000 Form I-9 Notices of Inspection (NOIs) were being served that day. The focus of these audits turned to businesses that work in areas of national security and critical infrastructure. Please review the July 2009 Alert, *Is That ICE Knocking At Your Door?*, which discusses what to do if your company receives an NOI.; we expect these types of large sweeps to continue into 2010.

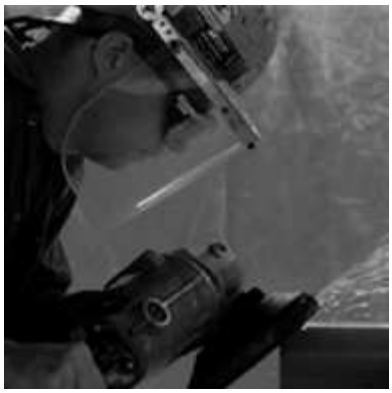
Increased Emphasis on Worksite Compliance and Enforcement

Along with the shift in focus to employers, the enforcement pace continues to increase under the Obama administration, which vowed to aggressively pursue employers. In 2008, U.S. Immigration and Customs Enforcement (ICE) made 1,103 criminal arrests related to worksite enforcement. Of the individuals criminally arrested, 135 were owners, managers, supervisors, or human resource employees. Moreover, as the federal government remains stalled in its efforts to pass comprehensive immigration reform, states have stepped in to fill the void.

According to the National Conference of State Legislatures, as of November 16, 2007, at least 1,562 immigration-related bills were introduced in various states, and approximately 244 of those bills became law. The volume of state immigration-related bills continued to increase in 2008. As of June 30, 2008, 1,404 immigration-related bills and resolutions were considered, and 182 of these bills became law. As expected, many of the state-sponsored bills target employers failing to properly verify the employment eligibility of their workforce.

The following statistics announced at the DHS symposium demonstrate increased ICE enforcement activities since April 30, 2009:

- 45 businesses and 47 individuals were debarred; no businesses and one individual were debarred during the same period in FY 2008.
- 142 Notices of Intent to Fine (NIF) totaling $15,865,181 were issued; ICE issued 32 NIFs totaling $2,355,330 in all of FY 2008.
- 45 Final Orders totaling $798,179 were issued; ICE issued 8 Final Orders totaling $196,523 during the same period in FY 2008.
- 1,897 cases were initiated; ICE initiated 605 cases during the same period in FY 2008.
- 1,069 Form I-9 Inspections were conducted; ICE initiated 503 Form I-9 Inspections in all of FY 2008.



Of the more than 85,000 Form I-9s reviewed in connection with the 652 audits announced in July 2009, ICE agents identified more than 14,000 suspect documents, or about 16 percent of the total number of I-9s reviewed. As of November 19, 2009, 61 Notices of Intent to Fine (NIF) had been issued, resulting in $2,310,255 in fines. In addition, another 267 cases are being considered for additional NIFs. ICE closed 326 cases after the businesses audited were found to be in compliance with employment and immigration laws or after businesses were served with a warning notice in expectation of future compliance.

Employers must keep abreast of all these changes to assure compliance with both federal and state laws. Greenberg Traurig can assist employers in mitigating civil and criminal liability, and improving compliance with the many regulations, including I-9 compliance, H-1B audits, Social Security Administration mismatch letters, E-Verify, and the applicability of the newly-evolving state laws and investigations. Please contact a GT attorney for further assistance.

ICE Reveals Worksite Enforcement Policy Guidelines

In response to a Freedom of Information Act (FOIA) request filed by the American Immigration Lawyers Association, U.S. Immigration and Customs Enforcement (ICE) recently released an April 30, 2009 internal field memorandum outlining ICE's most recent worksite enforcement policy. The memo, written by the Office of Investigations Director, disclosed the agency's worksite enforcement fine matrix and renewed its focus on targeting the "employer," as previously discussed in Dawn M. Lurie's July 2009 article titled: "Is That ICE Knocking At Your Door?" The document confirms ICE's intent to target employers in national security and critical infrastructure industries that are involved in the hiring of unauthorized workers and related criminal activity. The memo also verifies that ICE will utilize I-9 audits and investigations to pursue criminal prosecutions, civil fines and debarment.

While the memo does outline the fine matrix, information on the fine methodology is painfully absent. The particulars of substantive, technical and knowing hire violations are not delineated. We urge ICE to release more guidance, keeping in the spirit of increasing transparency promised by the Obama administration.

Worksite Updates From Around the Country

Poultry Processing Plant to Pay $1.5 Million to Settle Undocumented Hiring Case

A South Carolina-based poultry plant agreed to pay $1.5 million to the government to settle all criminal, civil, or administrative claims that could be brought relating to the hiring of undocumented workers. Columbia Farms, which is affiliated with House of Raeford Farms, was facing 29 counts of knowingly hiring and continuing to employ undocumented workers who were not authorized to work in the United States.

The federal investigation into Columbia Farms began in December 2007 with an audit of the company's I-9 filings performed by U.S. Immigration and Customs Enforcement (ICE). The audit resulted in criminal charges filed against 21 supervisory employees hired with false documents. ICE agents later raided the plant in October 2008 and arrested over 300 workers on administrative immigration violations.

The terms of the settlement agreement require enrollment in E-Verify, the federal government's electronic employment verification system, and implementation of new hiring policies at each of the eight House of Raeford locations in North Carolina, South Carolina, and Louisiana. In addition, the company agreed to use an external auditor to conduct annual I-9 reviews and to provide regular training to employees on hiring practices. According to the U.S. Attorney's Office, if Columbia Farms and House of Raeford comply with the terms of the agreement, the criminal charges brought against Columbia Farms will be dismissed.

Mississippi Restaurant Owner, Managers and Corporate Owners Sentenced for Hiring Undocumented Workers

Two corporations and their owner, along with two former managers of a restaurant in Mississippi, were sentenced for violating federal criminal immigration laws related to hiring, continuing to employ, and harboring undocumented workers following a U.S. Immigration and Customs Enforcement (ICE) investigation.

The restaurant owner was sentenced to 12 months in prison and fined nearly $200,000, The managers also received prison sentences and fines. The two corporations that owned the restaurant were sentenced to two years probation and agreed to forfeit more than $418,000. In addition, the corporations agreed to an immigration compliance program.

Connecticut Restaurateur Gets Probation and is Fined for Employing Undocumented Workers

A Connecticut restaurant owner was sentenced to three years of probation, a $150,000 fine and 150 hours of community service for employing undocumented workers. The restaurant owner had been charged by federal officials with employing at least 10 individuals between January 2008 and January 2009 knowing that they were in the United States unlawfully and were not authorized to work.

Three Texas Men Found Guilty of Harboring Undocumented Workers at a Construction Site

A federal jury found three Texas men guilty of conspiring to harbor undocumented workers who were working on constructing new student housing at Texas A&M University's Kingsville campus. Two of the individuals were employees of the company hired to construct the university housing. The other individual worked as a subcontractor for the company. During the trial, the jury heard testimony from two immigrants who worked for the defendants. All three men face up to 10 years in prison and a fine of $250,000.

As demonstrated by these cases, proactive compliance policy planning is critical for all employers. Best practices must be developed and followed in an effort to show a good faith defense if your business is selected for an ICE review or targeted for a criminal investigation.

E-Verify News

Federal Contractors: As of September 8, 2009, employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause are required to use E-Verify to determine the employment eligibility of a. Employees performing direct, substantial work under those federal contracts; and b. New hires organization wide- regardless of whether they are working on a federal contract. A federal contractor or subcontractor who has a contract with the FAR E-Verify clause also has the option to verify the company's entire workforce. Federal contractors are now recognizing the sheer time limitations they are facing to correctly implement a process transitioning their company over to E-Verify. Based on the complexity of the process for federal contractors we recommend that the implementation be something that is jointly reviewed by the legal and HR departments within larger companies. Smaller businesses should encourage adequate coordination and outside support where necessary. While the government has provided limited guidance in terms of such implementation there are still

many choices and decisions that are left up to the company to make in consultation with experienced compliance counsel.

Since the regulation and E-Verify Memorandum of Understanding signed by Federal Contractors requires a review and in some cases an update or even a new I-9 to be completed for existing workers assigned to a contract, GT encourages these companies to use this opportunity to clean up and internally audit I-9s. As a best practice, employers should make sure all I-9s have been accurately and fully completed and should try to identify potential issues such as unauthorized employment or incomplete or missing I-9s. Such violations can be very costly if your company is selected for a government review. Taking a proactive approach before a government inspection letter arrives will ensure the minimization of liability.

More on E-Verify : In an effort to further expand the usefulness of E-Verify, U.S. Citizenship and Immigration Services (USCIS) will soon allow individuals to correct E-Verify data. On December 10, 2009, USCIS Director Alejandro Mayorkas announced that his agency plans to allow citizens and legal permanent residents to check the E-Verify system to confirm that their citizenship and Social Security numbers are correct in the system.

Currently, only employers have access to the E-Verify system, which allows them to electronically verify that a prospective employee can be legally employed. If the system uncovers a mismatch between the information provided by the prospective employee and the government's records, the individual can not be hired until they resolve the discrepancy. Under the current policy, the individual must resolve any discrepancies within eight federal business days.

Some prospective employees have found it difficult to resolve to the "tentative non-confirmations" that are issued within the allowed time frame. The new policy would allow individuals to correct any mismatches before applying for a job, thus eliminating the risk of losing out on a job opportunity due to an inability to resolve mismatch issues in a timely manner. Critics of the E-Verify program have specific concerns surrounding this issue. While the Director's comments were general it appears this program is the Job Lock initiative announced by the last administration. We also understand that USCIS is currently also developing a protocol for Job Lock which will allow E-Verify to detect identity theft fraud and in essence lock down a person's identify. Details on this initiative have not been forthcoming as of yet.

H-1B News

H-1B Visas Almost Gone

U.S. Citizenship and Immigration Services (USCIS) is reporting that as of December 10, 2009, approximately 62,500 H-1B cap-subject petitions have been filed. USCIS has approved sufficient H-1B petitions for aliens with advanced degrees to meet the exemption of 20,000 for the fiscal year 2010 cap. Therefore, any H-1B petitions filed on behalf of an alien with an advanced degree will now count toward the general H-1B cap of 65,000. Overall, the H-1B cap had been inching up very slowly. However, in the past month, we have seen a big jump in the H-1B count. It is hard to predict when the cap will be reached, but we recommend filing any potential H-1B cap cases immediately.

Last year, USCIS received approximately 163,000 petitions during the initial five-day H-1B cap filing period, and among those USCIS conducted a random selection process to select 65,000 petitions for the H-1B cap plus 20,000 petitions for the advanced degree cap. Because of the downturn in the economy, the FY 2010 cap was not met immediately as in the past few years.

USCIS Temporarily Accepts H-1B Petitions Without Certified LCAs

Last December, the Department of Labor (DOL) announced that due to heightened incidents of fraud in H-1B filings, it would start closely scrutinizing the Labor Condition Applications (LCA), which must be certified by the DOL before H-1B petitions can be filed. This caused a delay in filing many H-1B petitions as LCAs can take more than seven days to adjudicate when further investigation is required, such as for proper wage determinations. In addition, there are additional delays when the DOL sends a request for proof of an employer's federal tax ID number (FEIN). In some cases, employers were experiencing a two to three week lag time between filing and receipt of an LCA approval.

On November 5, 2009, the U.S. Citizenship and Immigration Services (USCIS) announced the temporary acceptance of H-1B petitions without requiring an underlying certified LCA, provided the LCAs remain pending with the DOL. The temporary acceptance period will begin on November 5, 2009, and end on March 4, 2010.

However, USCIS will not approve the petitions until it receives an approved LCA. Those employers who submit an H-1B petition without an approved LCA will subsequently receive a request for evidence asking for documentation of the approved LCA within 30 days.

According to the USCIS Ombudsman, the temporary change in policy represents an effort to mitigate LCA processing delays caused by errors in the DOL's new iCert system. The iCert glitches result in the DOL erroneously denying LCAs based on false FEIN mismatches, among other problems. In turn, the denied LCAs prevent the filing of the H-1B petition, thus potentially causing the loss of wages and legal status to the worker resulting in business operation disruptions to the company.

As a result of the quick jump in the H-1B cap case count and the delays in processing the LCAs, employers are urged to prepare and file any potential H-1B cap-subject petitions as soon as possible. We expect that the cap will be reached in the coming weeks. We encourage you to look ahead and assess the employment needs of your foreign

national staff, including new hires and those employees currently participating in practical training such as students (F-1) or exchange visitors (J-1).

Please note that employers generally will not need to obtain new H-1B visas for lateral H-1B hires. Further, institutions of higher education, nonprofit research organizations, and government research organizations continue to be H-1B cap exempt.

USCIS Combats H-1B Fraud Using Surprise Worksite Visits

One investigation method receiving an increased amount of attention has been implemented by the U.S. Citizenship and Immigration Services (USCIS) Office of Fraud Detection and National Security (FDNS). The FDNS carries out worksite visits that are conducted by Immigration Officers, Intelligence Research Specialists, analysts, and private investigation firms. The FDNS' purpose is to detect, deter and combat immigration benefit fraud and strengthen efforts in ensuring that benefits are not granted to those who threaten national security or public safety.

During the visits, FDNS officers collect data to verify information pertaining to petitions that are pending or already approved. These visits are unannounced and may take place at the employer's principal place of business or at the H-1B non-immigrant's work location. FDNS Officers do not need a subpoena for the site visit because the regulations governing the filing of immigration petitions allow the government to take testimony and conduct broad investigations relating to the petitions. However, employers may request that counsel be present during the visit, either in person or by phone. Additionally, USCIS will provide an opportunity for employers to address any adverse or derogatory information that results from the site visits.

Shareholder Dawn Lurie had the opportunity to present on a panel with Don Crocetti, Director of USCIS' Office of Fraud Detection and National Security. Mr. Crocetti underscored the need to ensure the integrity of the H-1B program and the importance of site visits. Should you be visited by an FDNS representative or contractor, request identification from the individual, remain calm, and notify the director of compliance and outside counsel. Be polite and ensure that the representative does not roam the facility or office unescorted. For information on the specifics of site visits and how to deal with them please contact your GT relationship attorney.

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Immigration Policy and Procedural News

Laura Reiff, Co-Chair of the GT Business Immigration and Compliance practice shares her thoughts on comprehensive immigration reform (CIR): "I think that we will see a surge of interest in the CIR debate over the next few months. The White House is committed to CIR, key Senators are ramping up for a debate and the Congressional Hispanic Caucus is continuing its vigilance on moving CIR down the playing field." GT will continue to report on this topic of interest to our readers.

Obama Signs Off on E-Verify Extension

On October 28, 2009, President Barack Obama signed the 2010 Fiscal Year Homeland Security Appropriations Bill (H.R. 2892). The bill includes an extension of the federal government's employment verification system—E-Verify—as well as extensions of three visa programs. The legislation provides for a three-year extension of E-Verify and $137 million to operate the system and further improve its accuracy and compliance rates. E-Verify is operated by the federal government and allows employers to voluntarily verify the work authorization of new hires.

The bill also extends visa programs for investors, religious workers, and medical doctors. The EB-5 visa program, created in 1990 by Congress, awards visas to immigrants who invest at least $1 million in a commercial enterprise benefiting the U.S. economy and create at least 10 full-time jobs for U.S. workers. Some EB-5 visas are granted under a regional pilot program to immigrants who invest $500,000 provided the investment is made in specific geographic regions. The Special Immigrant Nonminister Religious Worker Visa Program, created by the 1990 Immigration Act, allows religious organizations in the United States to sponsor nonminister religious workers from abroad, such as nuns, religious brothers, and lay missionaries. Finally, the legislation extends a program allowing state health departments to submit requests directly to the State Department (DOS) to initiate the waiver process for a J-1 medical doctor.

Controversial "No-Match" Regulation Rescinded

On October 7, 2009, the Department of Homeland Security (DHS) rescinded its controversial "no-match" regulation by publishing a final rule in the Federal Register. The final rule became effective November 6, 2009.

Under the No-Match Rule, the Social Security Administration (SSA) issued a letter notifying an employer that the social security information submitted by the employer for certain employees did not match the information in the SSA's databases. The DHS No-Match regulation also expanded the concept of "constructive knowledge" by holding employers liable for knowingly employing unauthorized workers if, after receiving a No-Match SSA letter, the employer failed to take sufficient steps to resolve a social security mismatch. However, the regulations also provided employers with "safe-harbor" procedures, which, if strictly followed, would absolve employers from liability after receipt of the No-Match SSA letter.

The Bush administration originally issued the No-Match Rule in 2007, but before taking effect, the rule was challenged by a civil rights coalition and subsequently enjoined by the U.S. District Court for the Northern District of

California in October 2007. In response to the shift brought by the Obama administration, the DHS announced its intention to rescind the rule in July 2009. The Department commented: "After further review, DHS has determined to focus its enforcement efforts relating to the employment of aliens not authorized to work in the United States on increased compliance through improved verification, including participation in E-Verify, ICE Mutual Agreement Between Government and Employers (IMAGE), and other programs."

Nevertheless, employers continue to face the same dilemma: How should companies respond to No-Match SSA letters they receive in the future? The final regulation fails to indicate when the SSA will resume sending No-Match letters to employers. It also fails to provide guidance on how employers should respond. Moreover, despite the rescission of the No-Match regulation, the government still believes that the receipt of a No-Match letter may be a factor considered in the "totality of circumstances" when determining whether or not an employer had constructive knowledge that its employees were not authorized to work.

In additional to SS No-Match letters, employers are receiving Social Security information from health insurance companies, retirement funds, payroll providers, identity theft reports, garnishment programs as well as numerous other places. Not having a policy in place can be dangerous and problematic in terms of treating employees consistently as well as dealing with the issue the No-Match brings up. Employers need to ensure procedures are implemented to resolve any future No-Match discrepancies. Please consult with your GT attorney if faced with any type of Social Security no-match issues.

Napolitano Anticipates Congressional Immigration Overhaul in 2010

In a speech delivered on November 13, 2009, Department of Homeland Security (DHS) Secretary Janet Napolitano announced that the Obama Administration expects Congress to move on a comprehensive immigration reform bill early next year. Napolitano stated that an immigration overhaul "is a task that is critical, that is attainable, and that we are fully committed to fulfilling."

Napolitano declared that any immigration overhaul must improve the nation's visa system, and address the future flow of workers to meet the labor market demands. This is because businesses wishing to increase their workforce face barriers and caps in the highly-skilled visa categories which "make it difficult for highly-skilled foreigners to stay here and work." She concluded that this policy "hurts the economy for all of us, and it has to change."

USCIS Announces Guidelines for EB-5 Regional Pilot Program

On December 10, 2009, U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas stated that his agency plans to issue new guidelines in the coming month for the EB-5 Immigrant Investor Regional Center pilot program. The new guidelines are intended to provide clarification on how the program works to both applicants and USCIS adjudicators.

Under the EB-5 program, individuals can be granted an immigrant visa for making a minimum investment of $500,000 in the United States that creates at least 10 new jobs. The Regional Center pilot program further requires that these investments be made in specific geographic areas.

USCIS Plans to Validate Financial Information of Petitioning Companies

On December 10, 2009, U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas announced that the agency intends to introduce the "Verification Initiative for Business Enterprise" in 2010, a program which will assist USCIS adjudicators in verifying financial information of companies who petition to hire foreign workers.

Under the current system, USCIS must ask companies to validate their financial stability and need for foreign workers for every petition, regardless of how many foreign workers the company seeks to hire. The new policy is intended to reduce the need for USCIS to ask for the same information repeatedly by verifying financial information once and using the information received for multiple company petitions.

Resources

December 2009 Visa Bulletin

The employment-based first preference (EB1) category remains current for all chargeability areas. The employment-based second preference (EB2) category stands at April 1, 2005 for China, January 22, 2005 for India, and remains current for Mexico, the Philippines, and all other countries. The employment-based third preference (EB3) category stands at 2002 for all countries, except for India which stands at May 1, 2001.

The December 2009 priority date cut-offs for the first three employment-based categories are as follows:

EB1: Current for all categories.

EB2: China—April 1, 2005. India—January 22, 2005. All other countries are current.

EB3: China—June 1, 2002. India—May 1, 2001. Mexico—June 1, 2002. Philippines—June 1, 2002. All other countries—June 1, 2002.

If a category is designated as unavailable, the annual quota of immigrant visas has been met and immigrant visas are no longer available in that category. Note that, although rare in occurrence, categories may become unavailable in the middle of the month.

The availability of visas is published based on data collected from consular officers and the U.S. Citizenship and Immigration Services (USCIS). Both are required to report the number of foreign nationals who qualify for immigrant visas in the different categories to the Department of State. Where the demand exceeded the available number of immigrant visas within a category, that category was deemed unavailable. Only applicants with a priority date earlier than the cut-off date may be allocated a visa number. These individuals then become eligible to complete the permanent resident process through the filing of a Form I-485 with the USCIS or Immigrant Visa application with the U.S. Consulate abroad.

January 2010 Visa Bulletin

The employment-based first preference (EB1) category remains current for all chargeability areas. The employment-based second preference (EB2) category stands at May 1, 2005 for China, January 22, 2005 for India, and remains current for Mexico, the Philippines, and all other countries. The employment-based third preference (EB3) category stands at June 22, 2001 for India, July 1, 2002 for Mexico, and August 1, 2002 for China, the Philippines, and all other countries.

The January 2010 priority date cut-offs for the first three employment-based categories are as follows:

EB1: Current for all categories.

EB2: China—May 1, 2005. India—January 22, 2005. All other countries are current.

EB3: China—August 1, 2002. India—June 22, 2001. Mexico—July 1, 2002. Philippines—August 1, 2002. All other countries—August 1, 2002.

The January 2010 Visa Bulletin also offers an extensive discussion on visa availability projections for the remainder of FY 2010. Specifically, the projections for the end of FY 2010 are as follows:

EB2:

China: July through October 2005

India: February through early March 2005

If all of the EB1 visa numbers are not used: China and India: October through December 2005

EB3:

China: June through September 2003

India: January through February 2002

Mexico: January through June 2004

Philippines and all other countries: April through August 2005

Consular Corner

Prepare Yourself for International Travel

The U.S. Customs and Border Protection (CBP) recently published a booklet entitled "Know Before You Go," intended to prepare U.S. residents for international travel. The guide includes a helpful traveler's checklist and tips on registering items before leaving the United States.

Frequent travelers should review the Global Entry program, which expedites and simplifies re-entry to the United States. U.S. citizens and U.S. Lawful Permanent Residents aged 14 years and older are eligible to apply.

To view the full booklet, please visit:

http://www.cbp.gov/linkhandler/cgov/travel/vacation/kbyg/kbyg_regulations.ctt/kbyg_regulations.pdf.

U.S. Passport Card:

The Department of State began production of the U.S. Passport Card. This card facilitates entry and expedites document processing at U.S. land and sea ports-of-entry (may not be used to travel by air) when arriving from Canada, Mexico, the Caribbean and Bermuda.

International Travel:

In planning international travel, all foreign nationals must ensure that they carefully review their current immigration documentation to make sure that they have all of the appropriate travel documentation required to return to the United States. If in non-immigrant status, individuals typically must have a valid visa in their passport for that category. Advance planning can make the visa application process smooth and relatively painless. Most visa applicants will be required to have an in-person interview at the U.S. embassy or consulate. Therefore, we suggest that foreign nationals carefully review the current visa wait times for information on interview appointment availability and timeline for visa issuance at the embassy or consulate. In advance of travel, all supporting documentation should be carefully reviewed and instructions regarding the on-line application forms and visa fee payment should be closely followed to avoid delays.

As some U.S. embassies and consulates have significant visa appointment scheduling and issuance delays, advanced planning is critical. Currently, the U.S. consular posts with the longest visa wait times are: Havana, Caracas, Dhahran, Port-au-Prince and Bogota.

Please consult with a GT attorney for further information and prior to traveling outside of the United States.

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Resources

December 2009 DOS Visa Bulletin: http://www.travel.state.gov/visa/frvi/bulletin/bulletin_4587.html

January 2010 DOS Visa Bulletin: http://travel.state.gov/visa/frvi/bulletin/bulletin_4597.html

Visa Wait Times: http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php

Service Center Processing Times: https://egov.uscis.gov/cris/processTimesDisplay.do

National Benefits Center:https://egov.uscis.gov/cris/processTimesDisplay.do;jsessionid=acbbzl5ULwRbMgtnJopw