

NOVEMBER 16, 2009

LABOR AND EMPLOYMENT CLIENT ALERT
DOS PHASES IN NEW VISA APPLICATION FORM



SUMMARY

- **If your business employs temporary nonimmigrants** or if you anticipate having foreign business partners visit the United States, you may wish to alert them to the coming change in visa application procedures.
- Foreign nationals applying for a nonimmigrant visa at a U.S. embassy or consulate will soon have to complete a **new, fully web-based application form, Form DS-160**.
- The new DS-160 Form **allows the consular post to collect information** on the visa applicant before the applicant physically appears at the embassy or consulate for an interview.
- The Form DS-160 is currently in use at 24 consular posts but will be phased in at all consular posts over the coming months. **The DS-160 Form will replace the DS-156 and DS-157 Forms.**
- The DOS intends for consular posts in Austria, China, Cuba, India, Taiwan, the U.K. and throughout the Middle East to **adopt the web-based DS-160 Form by March 1, 2010.**
- The goal is to **replace the DS-156 and DS-157** for all nonimmigrant visa applicants (except for K (fiancé) visa applicants) by April 30, 2010.

[READ FULL ARTICLE](#)

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DOS PHASES IN NEW VISA APPLICATION FORM



Foreign nationals applying for a nonimmigrant visa at a U.S. embassy or consulate will soon have to complete a new, fully web-based application form, Form DS-160. The

Form DS-160 is currently in use at 24 consular posts but will be phased in at all consular posts over the coming months. The DS-160 Form will replace the DS-156 and DS-157 Forms. The goal of the Department of State is to replace the DS-156 and DS-157 for all nonimmigrant visa applicants (except for K (fiancé) visa applicants) by April 30, 2010.

Generally, unless a foreign national is a Canadian citizen or eligible to enter the United States under the Visa Waiver Program, visitors require a visa issued by the Department of State through a U.S. embassy or consulate to be admitted into the country. The requirement for a visa applies to visitors for business or pleasure (B1/B2), as well as temporary workers in E, H, L, O, P, or TN (Mexican) status. If your business employs temporary nonimmigrants in any of these classifications or if you anticipate having foreign business partners visit the United States, you may wish to alert them to the coming change in visa application procedures. By March 1, 2010, the DOS intends for consular posts in Austria, China, Cuba, India, Taiwan, the U.K. and throughout the Middle East to adopt the web-based DS-160 Form. All remaining

consular posts are supposed to adopt the Form between March 1 and April 30, 2010. The website for the individual consulate or embassy should provide a link to the DS-160 Form. Visa applicants should continue to use the current Forms DS-156 and DS-157 until directed to use the DS-160 by the consular post's website or appointment scheduling system.

The purpose of the new DS-160 Form is to allow the consular post to collect information on the visa applicant before the applicant physically appears at the embassy or consulate for an interview. The trend toward collecting data electronically before a traveler enters the United States is consistent with the recent requirement for travelers under the Visa Waiver Program to apply for and receive travel authorization via the Electronic System for Travel Authorization (ETSA) prior to travel. Those Visa Waiver travelers who fail to register through ETSA may be denied boarding of the aircraft or ship, experience delayed processing upon arrival in the U.S., or be denied admission at a U.S. port of entry. The traveler under the Visa Waiver Program must log onto the ETSA website at <https://esta.cbp.dhs.gov> and complete an online application in English.

The DOS has posted additional information about the DS-160 at http://travel.state.gov/visa/frvi/forms/forms_4401.html, although a sample copy of the Form is not yet available.

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Glenn Rissman is a Shareholder in the Labor and Employment Department. Mr. Rissman's practice focuses on employment law, immigration, and accessibility. Mr. Rissman regularly represents clients in a wide variety of matters arising under Title VII, Section 1981, ADA, ADEA, FMLA, WARN Act, FLSA, ERISA, and the Florida Civil Rights Act. He also advises employers regarding hiring, termination, and discipline of employees; compliance with federal, state, and local discrimination laws and wage and hour issues; sexual harassment matters; I-9 compliance and unauthorized employment; and mass layoffs and plant closings.

Mr. Rissman also practices in the area of employment-based immigration and naturalization. He represents employers and investors seeking temporary visas and permanent residence for employees and has successfully obtained non-immigrant visas (H-1B, L-1, TN, O, P, E) for employers in industries such as retail, hospitality, pharmaceutical, and manufacturing. Mr. Rissman also counsels clients regarding I-9 compliance, audits and inspections.

Mr. Rissman also defends and advises institutions with respect to public accessibility for persons with disabilities. Mr. Rissman has defended dozens of public accessibility lawsuits brought under Title III of the Americans with Disabilities Act.

Practice Areas

Immigration

Labor and Employment

Industries

Healthcare

Hospitality and Leisure

Pharmaceutical and Life Sciences

Retail

Education

J.D., *with honors*,
University of Florida, 1991

B.A., *magna cum laude*,
Duke University, 1988

Admissions

Florida, 1991

U.S. District Court,
Southern District of Florida, 1991

U.S. Court of Appeals for the
Ninth and Eleventh Circuits, 1991

U.S. District Court,
Middle District of Florida, 1994

U.S. District Court,
Northern District of Florida, 1995

Representative Experiences

- Obtained defense verdict for prominent retailer on national origin discrimination claim
- Obtained defense verdict for national bank on public accessibility claims arising under federal and state law.
- Obtained L blanket petition for Miami-based multinational to ease the transfer of overseas managers and executives
- Obtained alien of extraordinary ability status for musicians, business people, IT personnel and a chef
- Regularly conduct in-house training on I-9 compliance, sexual harassment and other topical issues impacting the workplace

Recognition

- *Florida Trend's* Florida Legal Elite, selected for inclusion, 2005-2006 and 2008

ABOUT THE LABOR AND EMPLOYMENT DEPARTMENT

We understand that our clients are in an extremely competitive business market and that employers (large and small in both the public and private sectors) need timely, practical business-oriented advice on labor and employment issues. We understand that our clients must deliver services faster and better to remain competitive and profitable. We also understand that “human resources” are not a commodity, but real people with real workplace problems that are often difficult for our clients to address alone. We believe that partnering with our clients to provide strategic preventive counseling, training (in English, Spanish and Creole), audits and legal representation is the best antidote to complex and challenging workplace problems.

We also believe that if our clients become involved in a lawsuit, grievance, arbitration, claim of discrimination or wrongful discharge in any legal forum, they each deserve ethical and zealous representation. We are experienced trial attorneys, not just “litigators.” We are also labor attorneys with “in the trenches” experience in dealing with unions seeking to represent blue collar, white collar and professional employees.

Range of Services

- Employment Discrimination Litigation Strategy
- Employment Law Consulting
- Labor Law
- Litigation
- Litigation Avoidance
- Representation before Administrative Agencies

Top Ranked in Florida

*“The team, comprised of 18 attorneys in Miami, Tampa and Fort Lauderdale, **offers a superb service and extremely high-quality work.** The group is considered to be **among the best in the state** and the lawyers have a great depth of experience across a range of areas including union avoidance issues, employment discrimination litigation, noncompete agreements, and representing clients before administrative agencies. However, its practice is by no means confined to these areas and the lawyers are also **adept at dealing with a broad range of issues** including increased amount of litigation of late, particularly in relation to age discrimination and wage and hour class action along with FLSA-related matters. The team has been described as **synonymous with labor and employment in Florida** and **extremely experienced.**”*

– *Chambers USA, 2009*