

Newsletter

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Welcome to the August issue of our monthly newsletter! This is a complimentary service to clients and friends of the Firm to keep you informed of immigration law developments that may affect you or your organization. Please contact Munsch Hardt's Immigration Team with your comments and questions.

DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE:

Reminder to employers: as of September 18, 2017, all U.S. employers must use the most recent Form I-9 edition with a revision date of 07/17/17 N. Employers should continue following existing I-9 retention and upkeep rules for any previously completed Forms I-9, but use the newly revised form for all new hires. Most revisions to the Form I-9 are self-explanatory and do not change the substance of the I-9 compliance, but this is a good time for an I-9 training or an update on the best practices and procedures. Contact your immigration legal counsel for a training session or an informational I-9 discussion.

United States Citizenship and Immigration Service (USCIS) has resumed Premium Processing service (i.e., 15 day expedited processing) for certain cap-exempt H-1B petitions, including those filed by petitioners that are institutions of higher learning, nonprofits related to or affiliated with these institutions, and nonprofit research or government research organizations. The government anticipates gradual return of Premium Processing for other categories of H-1B petitions.

DHS and Department of Labor (DOL) have recently released a final rule providing for a one-time increase of H-2B visa numbers available for seasonal workers. 15,000 additional H-2B visas became available for the remainder of the government fiscal year ending on September 30, 2017. H-2B visas are intended for use by nonagricultural workers and their primary users are businesses in hospitality and other service industries in need of additional workforce during seasonal business increases.

U.S. CUSTOMS AND BORDER PROTECTION (CBP) NEWS:

CBP has stepped up scrutiny of foreign nationals entering the U.S. on a visa or without a visa under the U.S. Electronic Systems for Travel Authorization (ESTA) program. Travelers should be prepared for more extensive questioning if a CBP inspector decides that they had not been properly and sufficiently vetted prior to travel.

IMMIGRATION COMPLIANCE:

Arizona and Maryland have recently become the ninth and tenth state respectively to join the Records and Information from DMVs for E-Verify (RIDE) program. RIDE is part of the E-Verify and is used to link the E-Verify database with the participating states' driver's license agencies. RIDE allows E-Verify to review the authenticity of driver's license and ID cards presented by newly hired workers as I-9 identity documents. Based on the combined E-Verify/RIDE review of the employee's data, the employer may receive a Tentative Non-confirmation (TNC) notification and would then have to provide appropriate notice to the affected worker and allow the employee an opportunity to meet the E-Verify requirements.

DEPARTMENT OF STATE (DOS) UPDATE:

September 2017 DOS Visa Bulletin “Final Action” chart for employment-based preference cases contains some important updates as we head into the last month of the government's ongoing Fiscal Year (FY2017). Immigrant visa eligibility under the EB-2 “Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability” category for All Chargeability areas, Mexico, El Salvador/Guatemala/Honduras, and the Philippines advances 9 months to a cut-off date of January 1, 2016. The DOS expects these EB-2 categories to become current in October when the new fiscal year begins. EB-2 category visa eligibility for China and India progresses only 3 weeks and 1 month to May 15, 2013 and August 22, 2008, respectively. EB-3 “Skilled Workers/Professionals” for All Chargeability areas, Mexico, and El Salvador/Guatemala/Honduras remains current. EB-3 Philippines advances 5 months to a cut-off date of November 1, 2015 while EB-3 India continues its steady movement by advancing 3 months to October 15, 2006.

Please review next month's newsletter for the latest update and contact your immigration counsel with questions and to plan immigration filing based on the Bulletin data.

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