

Newsletter

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Welcome to the May 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:

U.S. Citizenship and Immigration Services (USCIS) has completed its Fiscal Year (FY) 2018 H-1B visa lottery and mailed out receipt notices for the petitions accepted for processing under the H-1B visa cap. Petitioners that have not received H-1B petition receipt notices for the filings under the cap by the current date should check on the status of their petition filing fee checks and, if these checks have not been cashed by the government, remain on the lookout for the rejection notices and their H-1B petitions return. It is now time to consider H-1B status alternatives and plan further immigration proceedings for individuals whose petitions were not selected under this year's lottery.

The government provided interim guidance for the student beneficiaries of the "capped" H-1B petitions who have not received either a receipt or a rejection notice to date. Students may continue to benefit from an automatic cap-gap extension of stay until a rejection notice is received. Once the rejection notice arrives, the student's usual regulatory 60-day grace period starts as of the rejection notice or the student's program end date, whichever is later.

USCIS issued special instructions to B-1/B-2 visitors that wish to enroll in U.S. schools. Importantly, B visitors need to apply for and obtain F-1 student status (for academic studies) or M-1 status (for vocational studies) via a change of status application filing since studying while in B status may lead to the violation of status finding and future ineligibility to obtain educational and/or other visas. Students-to-be should file their Change of Status applications in order to secure the appropriate student status approval. If the foreign national's B (visitor) status is set to expire more than 30 days prior to the F or M program start, a separate application to request a B-1/B-2 status extension is required in order to properly maintain the visitor status until the educational program start date. Consult with immigration counsel if you are considering enrollment into U.S. educational institutions while visiting in B status.

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) NEWS:

ICE's increased enforcement efforts and, specifically, a six-week nationwide gang pursuit operation resulted in 1,378 arrests. Only 3 of the arrested were beneficiaries of the President Obama-initiated Deferred Adjudication of Childhood Arrivals (DACA) program.

The government has concluded an investigation that resulted in sentencing of Ms. Rosa Cingari to 12 years and 7 months in federal prison and Mr. Domenico Cingari to 8 years and 1 month in federal prison for conspiracy, making false statements in immigration applications and petitions, and mail fraud. The Cingaris were also

ordered to forfeit property and a monetary judgment in the amount of \$740,880 was entered against the couple. Rosa and Domenico Cingari were convicted for assisting illegal aliens in obtaining Florida driver licenses by filing fraudulent immigration documents with the USCIS. It is critically important for foreign nationals and their employers to use only properly licensed immigration attorneys to apply for immigration benefits.

DEPARTMENT OF STATE (DOS) UPDATE:

The June 2017 DOS Visa Bulletin "Final Action" chart for employment-based preference cases contains some important updates as we head into the ninth month of FY2017. As discussed in last month's newsletter, the DOS will impose a cut-off date of January 1, 2012 for EB-1 Priority Workers for China and India. The DOS predicts that EB-1 for China and India will continue to be oversubscribed until October 2017, the first month of the new fiscal year. EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" category for China advances only 3 weeks to a cut-off date of March 1, 2013 while EB-2 India jumps 1 week to July 1, 2008. EB-3 "Skilled Workers/Professionals for All Chargeability areas, Mexico, and El Salvador/Guatemala/ Honduras continued its steady movement by progressing 1 month to a cut-off date of April 15, 2017. EB-3 Philippines advances 4 months to a cut-off date of May 1, 2013.

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