

Newsletter

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Welcome to the April 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:

On April 7, 2017, U.S. Citizenship and Immigration Services (USCIS) reached the congressionally mandated 65,000 H-1B visa cap for the government's Fiscal Year (FY) 2018. USCIS also confirmed it had reached the cap under the 20,000 H-1B petitions allocation for U.S. advanced degree holders. The agency has not yet indicated the anticipated timelines of the visa lottery conclusion and receipt notices issuance and delivery to petitioners.

USCIS announced a number of measures to uncover H-1B visa fraud and abuse. Among these measures are targeted site visits to H-1B petitioners and the work sites of H-1B workers. Specifically, USCIS will concentrate on cases where it is unable to verify the employer's business data through readily available sources, on H-1B-dependent employers, and employers that send H-1B workers to off-site locations (i.e., to other companies and organizations).

The government has issued notification to employers who may have used Form I-9, Employment Eligibility Verification, downloaded between Nov. 14 and Nov. 17, 2016. Due to a glitch in the Form I-9 available from the USCIS website, employees' Social Security numbers (SSNs) do not appear correctly in Section 1. Numbers entered in the SSN field were transposed when employees completed and printed Section 1 via computer. Employers that downloaded Form I-9 with this glitch should download and save a new Form I-9 at uscis.gov/i-9. Consult your immigration legal counsel regarding Form I-9 data corrections if your recently completed Forms I-9 were affected by the glitch.

As of the beginning of this month, USCIS suspended Premium Processing for all types of H-1B petitions. The temporary suspension is expected to continue for 6 months or less. If you or your employees are affected by the suspension and require expedited processing of the pending or newly filed H-1B petition proceedings for significant business or personal reasons, discuss alternative expedited processing request options with your immigration counsel.

CUSTOMS AND BORDER PROTECTION (CBP) NEWS:

CBP recently released statistical data regarding the migration at the U.S. Southwest border. The data suggests a drastic decline in traffic, evidenced by a significant (i.e., nearly 40 percent) decline in arrests. The number of border apprehensions from January to February usually increases by approximately 10 to 20 percent, thus making the current decrease highly irregular. In December 2016, over 43,000 foreign nationals were apprehended at our Southwestern border. In January 2017, the number dropped to just over 31,000, and in February the number decreased to 18,762. This is the lowest monthly figure in the last 5 years.

DEPARTMENT OF STATE (DOS) NEWS:

The May 2017 DOS Visa Bulletin “Final Action” chart for employment-based preference cases indicates slight movement as we head into the eighth month of the government’s FY2017. 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 February 8, 2013. 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 March 15, 2017. EB-3 China and the Philippines advances 6 weeks and 3 ½ months to cut-off dates of October 1, 2014 and January 1, 2013, respectively.

The DOS will impose a cut-off date in the near future for EB-1 Priority Workers for China and India. The DOS also anticipates that visa numbers will be oversubscribed no later than July for EB-2 All Chargeability areas, El Salvador/Guatemala/Honduras, Mexico, and the Philippines.

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