

Newsletter

Immigration Monthly - September 2017

09/15/2017

Volume 6 / Issue 9

September 2017 / Volume 6 / Issue 9

Welcome to the September 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.

HOT OFF THE PRESS!

U.S. Citizenship and Immigration Services (USCIS) has resumed premium processing for all H-1B visa petitions subject to the Fiscal Year (FY) 2018 cap. For an additional government filing fee of \$1,225, the premium service guarantees a 15-day processing time. Earlier this year, USCIS resumed premium processing service for certain cap-exempt petitioners. At this time, premium processing service remains temporarily suspended for all other H-1B petitions, such as extensions of stay.

DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE:

- **DACA:** The Trump administration has initiated a phase out of the program known as Deferred Action for Childhood Arrivals (DACA). Initial requests for DACA and associated applications for employment authorization documents (EADs) are no longer being accepted by USCIS. Note: Initial DACA requests filed by September 5, 2017 will continue to be processed by USCIS. Properly filed pending DACA and EAD renewal requests from current beneficiaries that have already been accepted will continue to be processed. Additionally, current beneficiaries whose benefits will expire between September 8, 2017 and March 5, 2018 must file their DACA and EAD applications by October 5, 2017, in order for the applications to be accepted for processing by USCIS.
- Importantly, the administration also immediately ended the advance parole benefit which allowed DACA beneficiaries to travel abroad and return to the U.S. DACA beneficiaries may no longer apply for advance parole and any pending advance parole applications are being returned to applicants. Individuals who have an existing valid advance parole document should contact immigration legal counsel before undertaking any trips abroad!
- **Hurricane Harvey & Irma:** In the wake of two hurricanes that brought massive flooding to parts of the U.S., many foreign nationals are reporting that their passports and visas have been water-damaged. Damaged documents are unlikely to pass the muster of the airport scans, which will likely result in being denied boarding. Affected individuals should replace the documents prior to traveling internationally, if possible, or, allow enough time to apply for a new visa or passport abroad before returning to the U.S.
- **Reminder:** Starting October 1, 2017, USCIS will begin requiring in-person interviews for anyone applying for employment-based permanent residency, as well as for individuals applying for derivative refugee or asylee status. It is important to consult with immigration counsel regarding preparation for USCIS interviews for any affected employees.
- Recently, contrary to prior practice, USCIS has started denying Form I-131, Advance Parole, applications for abandonment in instances where the applicant has traveled abroad during the pendency of the application, even if the traveler had a separate valid parole document or a valid visa to return to the U.S. Consult with immigration counsel regarding international travel for any employees who have or will be applying for advance parole.
- The U.S. has imposed visa sanctions on four countries after they refused to accept deported nationals: Cambodia, Eritrea, Guinea, and Sierra Leone. The sanctions are as follows:
 - Eritrea: pause in the issuance of B visas for business and tourism

- Cambodia: high-level government officials and their immediate family members will be denied access to business travel and tourism to the U.S.
- Guinea: suspension of issuance of student and cultural exchange visas to certain government officials and family members, as well as B visas
- Sierra Leone: officials in the country's foreign ministry and immigration offices will be denied business and tourist visas

DEPARTMENT OF STATE (DOS) UPDATE:

- The 2019 Diversity Visa Program registration period will start at noon, EST, on October 3, 2017 and will continue through noon, EST, November 7, 2017. During this registration period, interested applicants should submit entries using the electronic DV entry form (E-DV) at dvlottery.state.gov. The annual Diversity Visa Program provides an opportunity for a U.S. Green Card to 50,000 individuals from countries with low rates of immigration to the U.S. For 2019, natives of the following countries are NOT eligible to apply because each of these countries sent more than 50,000 immigrants to the U.S. in the previous five years: Bangladesh, Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Peru, Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam. A computer-generated, random drawing chooses candidates for the Diversity Visas from the pool of lottery participants. Applicants should be aware of possible fraudulent e-mails soliciting personal information or requiring payment for participation in the program, and should always communicate directly with DOS regarding the lottery.

The October 2017 DOS Visa Bulletin "Final Action" chart for employment-based preference cases contains some important updates as we enter Fiscal Year 2018. As anticipated, the DOS released immigrant visa numbers to all qualified EB-1 Priority Workers. The EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" for All Chargeability areas, Mexico, El Salvador/Guatemala/Honduras, and the Philippines will become current. EB-2 China advances 1 year to a cut-off date of May 22, 2013 and EB-3 China progresses 2 full years to January 1, 2014. EB-2 India advances 3 weeks to a cut-off date of September 15, 2008 while EB-3 India experiences no change.

Related Practices

Immigration