

# Newsletter

## Immigration Monthly - December 2016

12/15/2016

*Volume 5 / Issue 12*

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### HAPPY HOLIDAYS!

*We are wishing you a Wonderful Holiday Season and a Happy and Prosperous New Year!*

A few safety tips for your upcoming holiday travel:

- Check your passport and visa validity before a trip. Hint: If you are traveling abroad, make sure you have proper documentation to enter the country of your destination and return to the U.S., and have any necessary transit visas for your flight "stop overs;"
- In addition to valid original travel documents for yourself and each family member, be sure to have copies of all of these documents in a safe place, apart from the originals. If your documents are lost or stolen, having these copies will help save time when obtaining duplicates;
- If your travel plans include consular visa appointments, check consular schedule twice (or three times) in advance of your travel and print out and take with you all appointment confirmation documentation, attorney-certified visa petition copies, and anything else the particular consulate requires; and
- HAVE A GREAT TIME WITH YOUR FAMILY AND FRIENDS!

### DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE:

DHS has published the much awaited final rule, "Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers," which includes significant changes to immigration programs:

- Eligibility for emergency Employment Authorization Documents (EADs) for foreign workers in "compelling circumstances"
- Modification of eligibility for H-1B cap exemption as a related or affiliated nonprofit entity
- Automatic 180-day EAD extensions for certain individuals
- 10 and/or 60 day grace periods for individuals in E-1, E-2, E-3, H-1B, H-1B1, L-1, O-1, and TN status
- Clarifications for the H-1B portability provision and retention of priority date rules for PERM and non-PERM based Immigrant Petition beneficiaries

*The new rule will take effect on January 17, 2017. It is important to discuss the effects of the new regulations on employees' immigration proceedings with immigration counsel.*

USCIS has published a new version of Form I-9, Employment Eligibility Verification. Starting January 22, 2017, employers must use the new version (dated 11/14/16). Until then, the current version dated 03/08/2013 N may

be used. Changes to the form include:

- Ability to enter multiple preparers and translators
- Section for noting additional information
- A more streamlined process for completing the form electronically including the addition of drop-down lists, calendars for completing dates, on-screen instructions for each field, and an option to clear the form and start over

On December 22, 2016, a new version of the Form N-400, Application for Naturalization, with an edition date of 12/23/16 will be released. Beginning December 23, 2016, applicants wishing to file Naturalization proceedings will be required to use the new 12/23/16 edition of the Form N-400.

Alert: As a reminder, effective December 23, 2016, government filing fees for many immigration petitions will increase. Please be sure and check the new filing fee schedule before submitting any petitions postmarked December 23, 2016 or later.

## DEPARTMENT OF STATE (DOS) UPDATE:

The January 2017 DOS Visa Bulletin "Final Action" chart for employment-based preference cases reflects some significant changes. EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" category for India progresses 2 1/2 months to a cut-off date of April 15, 2008. EB-2 China advances 3 weeks to a cut-off date of October 15, 2012, while EB-3 "Skilled Workers/Professionals" category for China progresses 9 weeks to a cut-off date of September 8, 2013. EB-3 "Other Workers" category for China advances 4 weeks to December 1, 2005. EB-3 "Skilled Workers/Professionals" and "Other Workers" category for All Chargeability areas, El Salvador, Guatemala, Honduras, and Mexico advances by 4 weeks to a cut-off date of August 1, 2016. EB-3 Philippines continues its steady progress by advancing another 7 weeks to July 22, 2011. EB-3 India maintains the same cut-off date of March 15, 2005. Continue monitoring the monthly Visa Bulletin for further developments.

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## Related Practices

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