

Newsletter

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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.

DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE:

As part of President Obama's November 2014 executive actions on immigration, DHS has published a Notice of Proposed Rulemaking (NPRM) in the Federal Register, "International Entrepreneur Rule." If finalized, the rule would permit the use of parole for "entrepreneurs of start-up entities whose entry into the United States would provide a significant public benefit through the substantial and demonstrated potential for rapid business growth and job creation." Comments on the NPRM are due October 17, 2016.

- The Office of Management and Budget has approved a revised Form I-9, Employment Eligibility Verification, and U.S. Citizenship and Immigration Services (USCIS) must publish a revised I-9 form by November 22, 2016. USCIS has advised that employers may continue using the current version of Form I-9, with a revision date of 03/08/2013 N, until January 21, 2017.
- USCIS has clarified issues regarding its E-Verify account lockout procedures. E-Verify previously announced that it would start deactivating user IDs on August 1, 2016 if they had not been accessed for 270 days. USCIS has clarified that inactive accounts are being "locked" (not "deactivated") and that the underlying E-Verify enrollment and account data will not be affected if locked. E-Verify users should be able to use a new self-service feature on the E-Verify program to unlock their own user IDs. Users are encouraged to set-up a security account question in E-Verify to be able to unlock their accounts.
- USCIS issued a notice to warn that immigrants are being targeted in payment scams. Posing as government officials, scammers are calling and e-mailing immigrants to advise of alleged problems with their applications or ask for additional information to continue processing the immigration benefits applications. The scammers then ask for personal and sensitive details and demand payment to resolve the issues with the application. As a reminder, USCIS never asks for payment over the phone or in an e-mail. If payment is needed, USCIS mails a letter directly to the applicant/petitioner/authorized representative on official stationery requesting payment. Suspicious e-mails should be forwarded to the USCIS Webmaster at uscis.webmaster@uscis.dhs.gov, or reported to the Federal Trade Commission at <http://1.usa.gov/1suOHSS>.

DEPARTMENT OF STATE (DOS) UPDATE:

The October 2016 DOS Visa Bulletin "Final Action" chart for employment-based preference cases contains major changes with the start of the FY2017. EB-1 "Priority Workers" will all be current due to the replenishment of visa numbers. EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" category for All Chargeability areas, El Salvador/Guatemala/Honduras, Mexico, and the Philippines will be current after having a cut-off date of February 1, 2014 in September's Visa Bulletin. EB-2 India advances nearly two years to a cut-off date of January 15, 2007. EB-2 China progresses over two years to a cut-off date of February 15, 2012, and EB-3 China advances over three years to a cut-off date of January 22, 2013. EB-3 Philippines progresses 4 months to December 1, 2010.

The Department of State projects that the EB-1 for all categories and EB-2 for All Chargeability areas should remain current in the coming months. EB-2 China and India is likely to advance up to three and four months, respectively, each month through January 2017, respectively. While EB-3 for All Chargeability areas has benefited from a generous cut-off date over the past year, the DOS expects corrective action to be taken once the demand for visa numbers materializes. EB-3 China, India, and the Philippines are expected to advance up to three months, up to one week and up to three weeks, respectively, each month through January 2017. The DOS anticipates that EB-3 Mexico will remain the same as the EB-3 All Chargeability area category date. Continue monitoring the monthly Visa Bulletin for further developments.

Related Practices

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