

Newsletter

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Welcome to the August 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:

- USCIS has issued guidance via the USCIS Policy Manual regarding the effective date of lawful permanent residence for purposes of citizenship and naturalization for Lawful Permanent Residents (LPRs). The guidance clarifies that although most applicants applying for adjustment become LPRs on the date USCIS approves the adjustment application, for certain classifications, the effective date of becoming an LPR may be a date that is earlier. For example, a refugee is generally considered an LPR as of the date of entry and an asylee is considered an LPR 1 year prior to the date of approval of the adjustment application.
- Effective August 29, 2016, eligibility for the provisional waiver process, which reduces the time eligible individuals are separated from their family members while they complete immigration processing abroad, will be expanded to include all individuals who are statutorily eligible for waiver of the unlawful presence ground of inadmissibility. Presently, only immediate relatives of U.S. citizens are eligible to seek such provisional waivers. To qualify for a provisional waiver, applicants must establish that their U.S. citizen or lawful permanent resident spouse or parents would experience "extreme hardship" if the applicant were not allowed to return to the U.S.
- USCIS issued a reminder that a revised Form N-400, Application for Naturalization, was published in April 2016 and requires preparers and interpreters to complete and sign their respective sections of the application. The new version of the form will be mandatory starting October 1, 2016. Until then, applicants may continue submitting the old version of the form and organizations may continue using a stamp or sticker in place of the data and signatures required in the preparer or interpreter sections.

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) NEWS:

Following an investigation by ICE's Homeland Security Investigations (HSI), a Rhode Island woman, Patria Zuniga, was sentenced to 78 months in prison, three years of supervised release and ordered to pay restitution of \$713,850 in connection with a scheme that defrauded dozens of immigrants. According to court records, from 2009 through 2012, Zuniga presented herself as an immigration attorney or an employee of USCIS, and told victims that she could assist them in lawfully obtaining permanent resident status in the U.S. She offered her services for \$8,000 to \$14,000 fee. Zuniga would then extort additional funds by, among other things, threatening to have the intended immigrants deported if they refused to pay. In total, victims paid more than \$700,000 over the course of the three-year fraud scheme.

DEPARTMENT OF STATE (DOS) UPDATE:

The September 2016 DOS Visa Bulletin "Final Action" chart for employment-based preference cases reflects key developments. Due to the continued high demand of immigrant visa numbers for EB-1 "Priority Workers" for China and India, these categories will remain oversubscribed with a cut-off date of January 1, 2010. EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" category for

nationals of India advances 3 months to February 22, 2005. EB-3 “Skilled Workers/Professionals” and “Other Workers” category for nationals of India progresses 3 months to February 15, 2005. EB-3 Philippines advances 1 and a half months to July 1, 2010. EB-3 for All Chargeability areas, El Salvador/Guatemala/Honduras, and Mexico also moves forward 1 and a half months to May 1, 2016. Continue monitoring the monthly Visa Bulletin for further developments.

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