

Newsletter

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Welcome to the July 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:

- Department of Justice, DHS, and Department of Labor have jointly published interim final rules that increase the monetary penalties for immigration-related violations. The rules will take effect on August 1, 2016 and will apply to violations that took place after November 2, 2015. Some of the increased fees for violations under the Immigration Reform and Control Act of 1986 (IRCA) include: unlawful employment of aliens, first order, which increased from a min. of \$375 and max. of \$3,200 to a min. of \$539 and max. of \$4,313, per worker, and Form I-9 paperwork violation, which increased from a min. of \$110 and max. of \$1,100 to a min. of \$216 and max. of \$2,156, per worker. Self and attorney assisted I-9 compliance audits are key to prevention of these penalties.
- On August 1, 2016, the USCIS will begin deactivating user ID's in E-Verify that have not been accessed for 270 days. Corporate administrators and program administrators should log-in to E-Verify before August 1, review all user IDs on their company account, and terminate any user ID's that are no longer in use. USCIS is also currently reviewing proposed changes to the E-Verify system. One of the possible changes is implementation of a process for reverification of employee work authorization for those with expiring temporary work authorization.
- USCIS has made improvements to InfoPass, its online system for scheduling appointments at its offices. Newly added features include a mapping function to make it easier to find local offices, an improved visual style, and a new website address: <https://my.uscis.gov/appointment>
- Department of Justice (DOJ)
- The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) issued a Technical Assistance Letter with guidance on permissible questions employers may ask job applicants regarding work sponsorship. The letter was issued to assist with employer compliance with the anti-discrimination provision of the Immigration and Nationality Act (INA), which prohibits (1) national origin, citizenship, or immigration status discrimination in hiring, firing, or recruiting or referral for a fee; (2) unfair documentary practices during employment eligibility verification; and (3) retaliation for filing a charge, assisting in an investigation, or asserting rights under the anti-discrimination provision. The letter is available at the DOJ's website at <https://www.justice.gov/crt/file/867386/download>

DEPARTMENT OF STATE (DOS) UPDATE:

The August 2016 DOS Visa Bulletin "Final Action" chart for employment-based preference cases reflects major developments. As the DOS projected last month, due to the continued high demand of immigrant visa numbers for EB-1 "Priority Workers" for China and India, these categories are now 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 All Chargeability areas, El Salvador/Guatemala/Honduras, Mexico, and the Philippines" has a cut-off date of February 1, 2014. EB-3 Philippines advanced 3 months to May 15, 2009. EB-3 All Chargeability areas El Salvador/Guatemala/Honduras, and Mexico progressed 2 weeks to a cut-off date of March 15, 2016. EB-3 India also moved forward 2 weeks to November 8, 2004.

The Department of State announced that EB-1 for China and India and EB-2 for All Chargeability areas, El Salvador/Guatemala/Honduras, Mexico, and the Philippines will once again become current when the new fiscal year begins in October. Consult your immigration counsel to discuss effects of these changes on you and your employees.

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