

Newsletter

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Welcome to the June 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:

- U.S. Citizenship and Immigration Services (USCIS) issued a draft policy memorandum regarding the signature requirement for applications, petitions, and immigration requests. USCIS confirmed that a valid signature consists of any handwritten, ink mark or sign made by an individual. USCIS will not accept signatures created by a typewriter, word processor, stamp, auto-pen, or similar device. In the case of individuals signing petitions on behalf of corporations, the benefit request must contain a statement by the person signing, affirming that he or she has the legal authority to file the request on the petitioning employer's behalf, that the employer is aware of all of the facts, and that such factual statements are complete, true, and correct. Comments on the draft memorandum are due by July 1, 2016.
- USCIS has expanded the capabilities of "Emma," a virtual assistant that helps individuals find immigration information. Emma can now answer questions and direct users to relevant USCIS web pages in Spanish, as well as English. The English version can currently answer 90% of commonly asked questions, and the Spanish version can currently answer over 80% of inquiries.
- USCIS announced a fee increase for certain H-1B and L-1 petitions, pursuant to Public Law 114-113. H-1B petitioners are required to pay an additional \$4,000 fee and L-1 petitioners are required to pay an additional \$4,500, if the following apply to the Petitioner: (1) 50 or more workers are employed in the U.S., (2) more than half of U.S. employees are in H-1B, L-1A, or L-1B status, (3) the petition is postmarked December 18, 2015 or later, and (4) the petition is filed to seek initial H-1B or L-1 employment, or to change H-1B or L-1 employers.
- Beginning July 1, 2016, the USCIS Nebraska Service Center (NSC) will begin accepting H-1B and H-1B1 petitions if the petitioner requests "continuation of previously approved employment without change with the same employer," and either notification to a consulate, extension of stay because the beneficiary now holds the status, or extension of stay based on a free trade agreement. NSC will also accept any concurrently filed H-4 applications and employment authorization (Form I-765) applications for H-4 nonimmigrants.

CUSTOMS AND BORDER PROTECTION UPDATE:

The Canada Border Services Agency (CBSA) announced that U.S. permanent residents travelling to or transiting through Canada by air are required to have an electronic travel authorization (eTA). CBSA noted that until September 29, 2016, travelers who do not have an eTA can board flights and enter Canada as long as they have appropriate travel documents, such as a valid passport. The eTA is electronically linked to passports and valid for 5 years or until the passport expires, whichever comes first.

DEPARTMENT OF STATE (DOS) UPDATE:

The July 2016 DOS Visa Bulletin "Final Action" chart for employment-based preference cases provides important updates. EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" category for nationals of India progresses 1 month to November 1, 2004, while EB-3 "Skilled Workers/Professionals" and "Other Workers" category for All Chargeability areas, EI

Salvador/Guatemala/Honduras, and Mexico moves forward 2 weeks to March 1, 2016. EB-3 Philippines advances 3 ½ months to February 15, 2009.

The Department of State announced that for the remainder of the fiscal year ending on September 30, 2016, EB-2 and EB-3 China will maintain the same cut-off date of January 1, 2010. Also, EB-2 for All Chargeability areas is expected to develop a cut-off date by September 2016 due to “sustained high demand.” Lastly, the DOS further advised that it expects that a cut-off date will be implemented for EB-1 China and India by the end of the fiscal year due to the high demand in this category. Continue monitoring the monthly Visa Bulletin for further developments.

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