

Newsletter

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Welcome to the May 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:

- **H-1B Update:** On May 2, 2016, U.S. Citizenship and Immigration Services (USCIS) announced that it has completed the H-1B visa petitions selection under the lottery, entered the petitions selected for processing under the visa "cap" into its database, issued receipt notices, and will be returning the rejected H-1B petitions to petitioners or their counsel of record. USCIS noted that due to the high volume of filings, the time frame for returning these petitions is uncertain. Petitions accepted for processing under the Premium Processing program should be adjudicated in short order as the 15 day regulatory processing period started running on May 12th. If your H-1B petition is rejected, discuss H-1B visa alternatives and further planning with your immigration counsel – some other nonimmigrant visa options may be available in your or your employee's specific situation.
- **Scam Alert:** USCIS has confirmed their awareness of suspicious letters being sent to L-1A executives, allegedly, on behalf of USCIS. The letters claim that the L-1A executives have been randomly selected for further processing and that their L-1A petitions are under special investigation for visa abuse. The letters use incorrect grammar and appear to be signed by the USCIS's Deputy Director, Lori Scialabba. USCIS has asked that anyone who receives a similar letter send a copy to Public.Engagement@uscis.dhs.gov, with the subject line "L-1A Executive Letter Scam." These letters did not originate at the USCIS.

LEGISLATIVE NEWS:

On April 18, 2016, the U.S. Supreme Court heard oral arguments in President Obama's immigration executive orders lawsuit. In 2015, 26 states, led by Texas, successfully sued to block the 2014 executive orders programs Deferred Action For Parents of Americans and Permanent Residents (DAPA) and expanded Deferred Action for Childhood Arrivals (DACA). During oral arguments, the Supreme Court, which currently consists of four conservative and four liberal justices, seemed divided along ideological lines – the liberal justices voiced support for the President's executive orders while the conservative justices sounded skeptical. A 4-4 decision would uphold a lower court's ruling defeating the executive orders. A ruling on the case is due at the end of June. Stay tuned for further updates.

DEPARTMENT OF STATE (DOS) NEWS:

The June 2016 DOS Visa Bulletin "Final Action" chart for employment-based preference cases provides important updates. Unfortunately, immigrant visa priority dates under several preference categories will retrogress significantly as of June 1st. EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" category for nationals of India retrogresses over 4 years to October 1, 2004. EB-2 China retrogresses by nearly 3 years to January 1, 2010. EB-3 "Skilled Workers/Professionals" category for China falls back almost 4 years to January 1, 2010. EB-3 India "Skilled Workers/Professionals" and "Other Workers" categories advance 3 weeks to September 22, 2004 and EB-3 Philippines progresses 3 months to a cut-off date of November 1, 2008. EB-3 China "Other Workers" category remains at a cut-off date of April 22,

2007. Immigrant visa priority dates for EB-3 “Skilled Workers/Professionals” and “Other Workers” categories for Mexico and All Chargeability areas except China, India, the Philippines, El Salvador, Guatemala, and Honduras, maintain the cut-off date of February 15, 2016.

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