

# Newsletter

## Immigration Monthly - April 2016

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Welcome to the April 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 Season.** Just like in the recent prior years, the H-1B season started and ended in the first week of April. By April 7, U.S. Citizenship and Immigration Services (USCIS) received over 236,000 H-1B petitions, including those under the advanced degree "cap." On April 9, USCIS performed a computerized lottery to select 65,000 regular H-1B petitions and 20,000 allocated for individuals with graduate degrees from U.S. universities. The cap-subject petitions that were not selected for processing will be returned to petitioners or their attorneys along with filing fees. Per USCIS's prior announcement, capped petitions filed under the expedited processing (i.e., Premium Processing) program and selected under the lottery will be adjudicated as a priority with the 15 day processing time beginning no later than May 16, 2016.
- **DHS Secretary Jeh Johnson** announced that effective April 1, 2016, all travelers coming to the U.S. from the 38 countries that participate in the Visa Waiver Program will be required to use an electronic passport, or e-Passport. Travelers who do not have an e-Passport will be required to obtain a visa to come to the U.S. This change was implemented to increase the security of the Visa Waiver Program, as part of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act passed last year.
- **USCIS confirmed** that employers should continue using the current version (3/8/13) of the Form I-9, Employment Eligibility Verification, even though the control number expiration date of March 31, 2016, has passed. USCIS has recently proposed changes to the Form I-9, but, before releasing an updated Form I-9, is seeking comments on the proposed changes from the public. Comments are due April 27, 2016.
- **DHS announced** that Guinea's, Liberia's, and Sierra Leone's designations for Temporary Protected Status (TPS) are being extended for an additional 6 months, effective May 22, 2016 through November 21, 2016. Those seeking to extend their TPS status have until May 23, 2016 to re-register. Since re-registrants may not receive their new EADs until after their current EADs expire, USCIS is automatically extending current TPS Guinea, Liberia, and Sierra Leone EADs bearing a May 21, 2016 expiration date, for an additional six months.

#### **DEPARTMENT OF STATE (DOS) NEWS:**

The May 2016 DOS Visa Bulletin "Final Action" chart for employment-based preference cases provides significant updates. Immigrant visa priority dates under the EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" category for nationals of India advanced 2 weeks to November 22, 2008 and EB-3 "Skilled Workers/Professionals" and "Other Worker" categories for India advanced 3 weeks to September 1, 2004. Immigrant visa availability under the EB-3 Philippines "Skilled Workers/Professionals" and "Other Workers" categories progressed 3 months to a cut-off date of August 8, 2008. EB-3 China "Other Workers" category advanced 7 weeks to April 22, 2007, however, the EB-2 and EB-3 "Skilled Workers/Professionals" categories for China did not progress and remained at cut-off dates of September 1, 2012 and August 15, 2013, respectively. Immigrant visa priority dates for EB-3 "Skilled Workers/Professionals" and "Other Workers" categories for Mexico and All Chargeability areas except China,

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India, the Philippines, El Salvador, Guatemala, and Honduras, are almost current with a cut-off date of February 15, 2016. Continue monitoring the monthly Visa Bulletin for further developments.

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