

# Newsletter

## Immigration Monthly - February 2016

2/15/2016

*Volume 5 / Issue 2*

### February 2016 / VOLUME 5, ISSUE 2

Welcome to the February 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 is Nearing! April 1, 2016 marks the beginning of the new H-1B petition filing season with the U.S. Citizenship and Immigration Services (USCIS). As in prior recent years, the filing season is likely to be brief (i.e., most likely, limited to the first week of April) and, if more petitions are received than there are available visas (65,000 regular H-1Bs and 20,000 allocated to foreign nationals with U.S. graduate degrees), visa numbers would be distributed via lottery. To maximize your chances to secure these much coveted visas, start petition planning and preparation early. Consult your immigration counsel now to plan the upcoming H-1B petition submissions and related timelines.
- DHS and the Department of State (DOS) announced that under the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, the following travelers will no longer be eligible to travel or be admitted to the U.S. under the Visa Waiver Program (VWP): nationals of VWP countries who have traveled to or been present in Iran, Iraq, Sudan, or Syria on or after March 1, 2011 and nationals of VWP countries who are also nationals of Iran, Iraq, Sudan, or Syria.
- Beginning February 19, 2016, certain Caribbean residents seeking to come to the U.S. as H-2A agricultural workers will no longer be visa-exempt and will be required to have both a valid passport and visa. This change applies to nationals of the United Kingdom, France, and the Netherlands, and nationals of Barbados, Grenada, Jamaica, or Trinidad and Tobago who reside in British, French, or Netherlands territory located in the adjacent islands of the Caribbean, or reside in Barbados, Grenada, Jamaica, or Trinidad and Tobago.

#### **CUSTOMS AND BORDER PROTECTION (CBP) NEWS:**

CBP recently began using facial comparison technology at John F. Kennedy International Airport (JFK). The technology is expected to help officers identify legitimate travelers while protecting them from fraud and identity theft by verifying that travelers match their respective passports. The initial deployment of the technology will apply to some first-time VWP travelers and returning U.S. citizens with ePassports.

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

The government confirmed that for March 2016, applicants must file their employment-based permanent resident applications utilizing the "Final Action" chart only. The March 2016 DOS Visa Bulletin "Final Action" chart for employment-based preference cases reflects significant changes. EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" category for nationals of China progressed 5 months to August 1, 2012 and EB-2 for nationals of India advanced 2 ½ months to October 15, 2008. EB-3 "Skilled Workers/Professionals" category for Chinese nationals progressed 8 months to October 1, 2012 while EB-3 "Other Workers" for China advanced 1 ½ months to February 1, 2007. EB-3 Philippines "Skilled Workers/Professionals" and "Other Workers" categories advanced 2 months to a cut-off date of March 15, 2008. EB-3 "Skilled Workers/Professionals" and "Other Workers" categories for Mexico and All Chargeability areas except China, India, and the Philippines are almost current with a cut-off date of January 1, 2016. The DOS also announced that it anticipates continued movement in the EB-2 and EB-3 categories in the coming

months. Consult your immigration legal counsel regarding the effects of these developments on your and your employees' immigration matters.

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