

Newsletter

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Welcome to the October 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:

- On October 2, 2015, DHS announced a program that will allow certain family members of Filipino and Filipino-American World War II veterans to receive parole to come to the United States. This program was initially announced in November 2014 by President Obama and Secretary Johnson as part of the executive actions on immigration. The program will allow eligible family members to come to the U.S. to provide support and care to their aging veteran family members who are U.S. citizens or lawful permanent residents. It is important to remember that there is no mechanism to apply for this benefit yet. Beware of online offers to assist with application submission before the application process is in place.
- Effective January 2016, E-Verify transaction records created prior to December 2005, will be deleted from the government's database. E-Verify is the government's subscription-based service that allows employers to verify employment eligibility of new hires. Employers will no longer have access in E-Verify to cases created prior to December 31, 2005. However, E-Verify has created a new Historic Records Report, which will store transaction records for old cases, and which will only be available for download until December 31, 2015. Employers are encouraged to retain the Historic Records Report with their Forms I-9.

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) NEWS:

Three Los Angeles-area residents operating a network of four schools were arrested on federal charges for allegedly helping hundreds of foreign nationals remain in the U.S. through a "pay-to-stay" scheme. The Homeland Security Investigation (HSI) unannounced visits to the schools, established that classes were poorly attended and many students were not residing in the same geographic area as the schools they were enrolled in. The indictment alleges the school network's owner and two managers issued foreign nationals the required documentation to stay in the U.S. as students in exchange for tuition payments, even though they were not bona fide students, had no intention of attending the schools, and lived out of state. The indictment includes charges of conspiring to commit immigration fraud, use or possession of immigration document procured by fraud, encouraging illegal residence, and money laundering, with potential prison sentences of up to 20 years.

DEPARTMENT OF STATE (DOS) UPDATE:

- DOS's 2017 Diversity Visa Program registration period started at noon, EST, on October 1, 2015 and will continue through noon, EST, November 3, 2015. During this registration period, interested applicants should submit entries using the electronic DV entry form (E-DV) at dvlottery.state.gov. The annual Diversity Visa Program provides an opportunity for a U.S. Green Card to 50,000 individuals from countries with low rates of immigration to the U.S. For 2017, natives of Bangladesh, Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, Ecuador, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Peru, Philippines, South Korea, Vietnam, and United Kingdom (except Northern Ireland) and its dependent territories are NOT eligible to apply because each of these countries sent more than 50,000 immigrants to the U.S. in the previous five years. A computer-generated, random drawing chooses candidates for the Diversity Visas from the pool of lottery participants. It is important for applicants to be aware of potential fraudulent e-mails soliciting personal information or requiring payment for participation in the program, and to always communicate directly with DOS regarding the lottery.
- In September, DOS and USCIS announced revised procedures for filing adjustment of status applications and initiating consular processing for immigrant visas. While the October Visa Bulletin originally indicated significantly earlier filing eligibility for certain immigrants, specifically, nationals of India and China, the bulletin was unexpectedly revised in late September and indicated much less favorable filing eligibility. On October 15, 2015, USCIS announced that the November Visa Bulletin also allows applicants to take advantage of the filing dates eligibility, per the "Filing Dates" Chart. It is important to discuss these developments with immigration counsel without delay.
- The DOS Visa Bulletin "Final Action" Chart for November 2015 reflects significant changes. The EB-2 "Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability" category for nationals of India advanced 1 year and 3 months to August 1, 2006. EB-2 for nationals of China progressed 1 month to February 1, 2012 and EB-3 "Skilled Workers/Professionals" for China advanced 10 weeks to January 1, 2012. EB-3 "Skilled Workers/Professionals" and "Other Workers" categories for nationals of the Philippines progressed more than 6 months to a cut-off date of June 15, 2007. EB-3 India "Skilled Workers/Professionals" and "Other Workers" categories advanced to a cut-off date of April 1, 2004. Overall, Family-Based preference categories experienced some forward movement ranging from 1 week to 1 year for the F-1 Philippines "Unmarried Sons and Daughters of U.S. Citizens" category.

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