

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:

- On July 13, 2015, U.S. Citizenship and Immigration Services (USCIS) announced they will resume Premium Processing Services for H-1B extension of stay petitions. Importantly, all petitioners should use the newly revised Form I-907 to request premium processing.
- On July 6, 2015, USCIS launched the Citizenship Public Education and Awareness Initiative, a media campaign intended to raise awareness about the rights and responsibilities of U.S. citizenship and provide information on the naturalization process and USCIS educational resources. The campaign directs lawful permanent residents to the USCIS's Citizenship Resource Center and provides information to protect against the unauthorized practice of immigration law.
- On June 24, 2015, Secretary of Homeland Security Jeh Johnson announced his decision to designate Nepal for Temporary Protected Status (TPS) for 18 months due to the 7.8 magnitude earthquake that struck Nepal earlier this year. During the designated period, which began June 24, 2015 and will be in effect through December 24, 2016, eligible nationals of Nepal will not be removed from the U.S. and may receive a temporary Employment Authorization Document (EAD). The 180-day TPS registration period began June 24, 2015 and runs through December 21, 2015.
- On June 25, 2015, DHS announced it was extending the TPS registration deadline for eligible nationals of Liberia, Guinea, and Sierra Leone to August 18, 2015. Applicants from one of these three countries who submitted an application and had their application returned based on the previous deadline should now re-apply.

IMMIGRATION ENFORCEMENT:

A recent decision by the Office of the Chief Administrative Hearing Officer (OCAHO) penalized an employer for discrimination against a U.S. citizen in favor of foreign workers in H-2A status. The employer, Estopy Farms, sponsored foreign nationals to perform agricultural work on a temporary basis, pursuant to the terms of the H-2A program. As part of the program, Estopy Farms had to advertise the job to establish there were no U.S. workers available to perform the work. Rejecting U.S. workers on the basis of qualifications not listed on the visa petitions, is prohibited. Estopy Farms, that specializes in cotton harvesting, rejected a qualified U.S. job applicant in favor of H-2A visa holders. The U.S. job applicant, Mr. Enrique Romero, filed a complaint and, since Estopy Farms rejected Mr. Romero based on the employment criteria that was not previously announced or listed, OCAHO subsequently determined that Estopy Farms discriminated against a qualified U.S. job candidate in favor of foreign workers. The civil penalties amount against the employer is under consideration.

DEPARTMENT OF STATE (DOS) UPDATE:

On July 1, 2015, President Obama announced that the U.S. and Cuba will reopen their respective embassies. The U.S. will reopen its embassy in Havana, 54 years after the cut off of the diplomatic ties with Cuba in the midst of the Cold War. The new embassies will provide opportunities to obtain visas and passports, which will

replace the current arrangement whereby consular services are provided by the U.S. and Cuban Interests Sections of the Swiss embassies in Havana and Washington.

The DOS Visa Bulletin for August 2015 reflects significant changes. Unfortunately, EB-3 China “Skilled Workers/Professionals” retrogressed over 7 years to June 1, 2004 and EB-3 China “Other Worker” retrogressed 2 years to a cut-off of January 1, 2004 due to an “extremely large increase in applicant demand”. EB-3 “Skilled Workers/Professionals” and “Other Workers” categories for Mexico and All Chargeability areas except China, India, and the Philippines are current with a cut-off date of July 15, 2015. EB-2 China “Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability” and EB-3 India progressed to cut-off dates of December 15, 2013 and June 1, 2004 respectively. While last month’s visa bulletin showed EB-3 Philippines as unavailable, the August visa bulletin now shows a cut-off date of June 1, 2004 for this category, which means the DOS is seeking to utilize the remaining visa numbers for the fiscal year. Overall, Family-Based preference categories experienced some forward movement ranging from 1 week to 6 weeks. Consult your immigration legal counsel regarding the effects of these development on your and your employees’ immigration matters.

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