

Newsletter

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DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE:

- H-1B Season is Nearing! April 1, 2015 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 planning and petition preparation early. Consult your immigration counsel now to plan the upcoming H-1B petition submissions and related timelines.
- USCIS will begin accepting requests under President Obama's expanded Deferred Action for Childhood Arrivals (DACA) program on February 18, 2015. Under the President's executive orders, the DACA program will expand and serve a broader population, as well as extend the period of work authorization from two years to three years.
- DHS is considering establishment of a "Known-Employer" program between the U.S. and Canada as part of the U.S. and Canada Beyond the Border initiative and the North American Free Trade Agreement. The pilot program would streamline adjudication of certain employment-based immigration benefit applications filed by U.S. employers for Canadian nationals by reducing processing times and applications costs. Expected to be launched in late 2015, the pilot program is intended to facilitate cross-border business travel between the U.S. and Canada.
- USCIS has received a sufficient number of petitions to reach the congressionally mandated limit, or "cap," on the total number of H-2B visas available for the first half of Fiscal Year (FY) 2015. This means that no unused H-2B visas from the first half of FY2015 will be available for the second half of FY2015, which begins April 1, 2015.

LEGISLATIVE NEWS:

DHS Appropriations Bill update: On February 3, 2015, the Senate voted against passing the Appropriations Bill to fund DHS, which is set to run out of funds at the end of February. The bill contains provisions barring the use of DHS funds for President Obama's executive orders programs. As both the House and Senate are on a one week recess, only four days of the congressional session will remain to pass a funding measure before a possible government shutdown. Stay tuned for further updates.

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) NEWS:

The owner and twelve managers of an Arizona car wash chain, Danny's Family Car Wash (DFC), were sentenced in federal court for their roles in a corporate scheme aimed at unauthorized workers employment. In April 2011, DFC was forced to terminate over 900 employees after a government audit found the employees had presented fraudulent or ineligible documents at the time of hire. The owner instructed managers to re-hire the terminated employees, and threatened to fire those who expressed discomfort with the instruction if they refused to comply. From mid-2011 to August 2013, DFC partook in a company-wide scheme to rehire the previously terminated employees. The employees used other individuals' identification to pass the E-Verify background check, and DFC's management was aware of and, often, facilitated the crime. The owner was sentenced to one year in prison followed by a year of home confinement, and the managers received sentences ranging from probation to three months in prison.

DEPARTMENT OF STATE (DOS) NEWS:

The DOS Visa Bulletin for March 2015 continues to show significant progress in some employment-based preference categories: Employment Based Second Preference Category (“EB-2”) reserved for foreign workers with advanced degrees for India progressed 1 year and 4 months to a cut-off date of January 1, 2007 and EB-2 China moved forward 5 1/2 months to September 1, 2010. “EB-3 “Skilled Workers/Professionals” and “Other Workers” categories for the All Chargeability Areas, Mexico, and the Philippines advanced 5 months to June 1, 2014. EB-3 “Skilled Workers/Professionals” category for China progressed 8 weeks to a cut-off date of October 22, 2011. The EB-3 category for India advanced only 1 week. Overall, Family-Based preference categories experienced some forward movement ranging from 1 to 7 weeks. It is important to discuss these developments with your immigration counsel, to take advantage of the newly available immigrant visas, when applicable.

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