

Newsletter

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Welcome to the January 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:

- President Obama's Executive Actions Update: In early January, the House Appropriations Committee released the Fiscal Year (FY) 2015 Homeland Security Appropriations bill (H.R. 240), which would fund DHS for the remainder of FY2015. Five amendments to the bill were then introduced prohibiting the use of these funds to implement the President's 2014 immigration executive orders, and on January 14, 2014, the House voted to approve these measures. The bill has yet to pass the Senate, and President Obama has threatened to veto the bill should it reach him. As DHS's funding is set to run out at the end of February, a speedy resolution is needed to avoid another government shutdown. Stay tuned for further updates.
- Effective January 18, 2015, U.S. Citizenship and Immigration Services (USCIS) and DHS are expanding the H-2A and H-2B nonimmigrant visa programs to include the Czech Republic, Denmark, Madagascar, Portugal, and Sweden, bringing the total number of countries eligible to participate in these programs to 68. The H-2A and H-2B visa programs allow U.S. employers to bring foreign nationals to the U.S. to fill temporary agricultural and nonagricultural jobs. USCIS also confirmed its acceptance of 23,570 H-2B petitions toward the 33,000 visa cap for the first half of FY2015. Once the H-2B cap is reached, USCIS may only accept petitions for H-2B workers who are exempt from the H-2B cap.
- USCIS announced that myE-Verify accounts are now available in 16 additional states including Texas, California, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, South Carolina, Utah, and Washington. myE-Verify is a website designed to allow employees' participation in the E-Verify process by managing their personal information to prevent unauthorized or fraudulent use. E-Verify is the government's subscription-based service that allows employers to verify employment eligibility of individuals they hire.
- USCIS has recently published a revised Form I-129, Petition for a Nonimmigrant Worker, with an October 23, 2014 edition date, but has postponed mandatory use of the new Form I-129 until May 1, 2015.

CUSTOMS AND BORDER PROTECTION (CBP) NEWS:

- CBP has launched the Border Wait Time application, which provides estimated wait times and open lane status at land ports of entry. The application allows travelers to better plan their trips and make informed decisions as to where and when to cross the border. Travelers are able to locate the three ports of entry closest to their location, check wait times for each location, and map the best route to desired destination

DEPARTMENT OF STATE (DOS) NEWS:

- The DOS Visa Bulletin for February 2015 continues to show significant progress in some employment-based preference categories: EB-3 "Skilled Workers/Professionals" and "Other Workers" categories for the All Chargeability Areas, Mexico, and the Philippines advanced 7 months to January 1, 2014. EB-3 "Skilled Workers/Professionals" category for China progressed 6 months to a cut-off date of September 1, 2011. EB-2 "Members Holding Advanced Degrees or Persons of Extraordinary Ability" category for India advanced 6 ½ months to September 1, 2015 while EB-2 China moved forward 6 weeks to March 15, 2010. 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.

- The DOS projects rapid progress for EB-3 All Chargeability Areas, Mexico, and the Philippines. This will likely require some “corrective” action of the cut-off dates at a later time. Discuss these developments with your immigration counsel in order take advantage of the newly available immigrant visas, when applicable.

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