

Newsletter

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Welcome to the December 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.

HAPPY HOLIDAYS

We are wishing you a Wonderful Holiday Season and a Happy and Prosperous New Year!

A few safety tips for your upcoming holiday travel:

- Check your passport and visa validity before a trip. Hint: if you are traveling abroad, make sure that you have proper documentation to enter the country of your destination and return to the U.S., and have any necessary transit visas for your flight "stop overs;"
- In addition to valid original travel documents for yourself and each family member, be sure to have copies of all of these documents in a safe place, apart from the originals. If your documents are lost or stolen, having these copies would help save time when obtaining duplicates;
- If your travel plans include consular visa appointments, check consular schedule twice (or three times) in advance of your travel and print out and take with you all appointment confirmation documentation, attorney-certified visa petition copies, and anything else the particular consulate requires; and
- HAVE A GREAT TIME WITH YOUR FAMILY AND FRIENDS!

DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE:

- President Obama's Executive Action: On November 20, 2014, the president announced a series of executive actions regarding our country's immigration laws including: - Deferred Action for Parental Accountability – Parents of U.S. citizens and lawful permanent residents who have been in the country since January 1, 2010 will be able to request deferred action and employment authorization for three years;
- Deferred Action for Childhood Arrivals – The population eligible for this program will be expanded, and work authorization will be expanded from two years to three years;
- U.S. Citizenship and Immigration Services will develop a method to ensure all immigrant visas authorized by Congress are issued to eligible individuals, and provide clarity on adjustment portability to remove unnecessary restrictions on job mobility and career progression and provide relief to workers facing lengthy adjustment delays;
- Optical Practical Training (OPT) – Degree programs eligible for the OPT Science Technology Engineering Mathematics (STEM) extension program will be expanded;
- L-1B Program – A memo on L-1B "specialized knowledge" will be released to provide clearer guidance on the meaning of "specialized knowledge" and provide consistency in adjudications.
- It is important to remember that these initiatives have still not been implemented. Beware of anyone offering to help in submission of an application or request for any of these actions before they are available. However, employers should start considering effects of these initiatives on them and their workers, particularly in the area of I-9 compliance.

- On December 3, 2014, Texas Governor Rick Perry issued an executive order requiring all state agencies under control of the Governor's Office and state contractors to verify employment authorization of workers by using the government's subscription-based service, E-verify. Anyone seeking a contract with these agencies will be required to use E-verify to determine work eligibility of not only their employees, but their subcontractors as well.

DEPARTMENT OF STATE (DOS) NEWS:

The DOS Visa Bulletin for January 2015 shows significant movement in some employment-based preference categories: EB-3 "Skilled Workers/Professionals" category for China progressed 9 months to a cut-off date of March 1, 2011. EB-3 "Skilled Workers/Professionals" and "Other Workers" categories for the All Chargeability Areas, Mexico, and the Philippines continued its recent trend by advancing 7 months to June 1, 2013. The EB-3 category for India advanced by only two weeks to December 15, 2003, and the EB-2 "Members Holding Advanced Degrees or Persons of Extraordinary Ability" preference category for China progressed 1 month to February 1, 2010. Overall, Family-Based preference categories experienced modest progress ranging from one to seven weeks. It is important to discuss these developments with your immigration counsel, to take advantage of the newly available immigrant visas, when applicable.

Related Practices

Immigration