

# Newsletter

## Immigration Monthly - August 2014

8/15/2014

Welcome to the August 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:**

U.S. Citizenship and Immigration Services (USCIS) has issued a Policy Memorandum with guidance on periods of admission determination for foreign nationals with H-4 stays in the U.S. seeking H-2 or H-3 status. Per this recent guidance, time spent in the U.S. as H-4 dependent family members does not count against the maximum permissible periods of U.S. stay available to principal beneficiaries of H-2A, H-2B, or H-3 status.

DHS has recently proposed to establish a new system of immigration records called E-Authentication Records System of Records. This new system should allow the DHS to collect, maintain, and retrieve records about individuals, including members of the public (most likely, foreign nationals in the U.S. in a nonimmigrant status), who electronically authenticate their identities through various existing DHS or reliable third-party programs. These programs include DHS's Security Information Network, E-Verify Self Check, and the USCIS's myE-Verify. DHS also considers consolidation of the E-Verify Self Check Systems of Records into the newly established E-Authentication Systems of Records. DHS's proposal is open for comment until September 10, 2014.

### **IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) NEWS:**

President of Cathedral Bible College in South Carolina has been arrested on felony charges of forced labor against foreign students attending the school. The government alleges that the college official threatened to revoke the foreign students' visas if they refused to meet his demands for low paid work on the college campus and at the president's home. The maximum sentence for a felony forced labor is 20 years per violation. Multiple violations are alleged.

### **DEPARTMENT OF STATE (DOS) NEWS:**

Most notably, Employment-Based 3rd (EB-3) "Skilled Workers/Professionals" and "Other Workers" category for the Philippines is advancing 10 months, to November 1, 2008. The EB-2 visa category, reserved for individuals with Advanced Degrees or Persons of Extraordinary Ability, will make immigrant visas available for nationals of India with permanent immigration priority date of May 1, 2009 or earlier. Family-Based immigrant visa preference categories experience some forward movement as well. All family-based preference categories for Mexico and the Philippines are showing progress ranging from 5 weeks to 7 months; F2A category for spouses and children of U.S. permanent residents for most countries plus China and India is moving 7 months forward in September, to a cut-off date of January 1, 2013. F1 (unmarried sons and daughters of U.S. citizens) and F2B (unmarried adult sons and daughters of U.S. permanent residents) in the same chargeability areas are advancing 1 week and 2 months, respectively.

It is uncertain whether DOS will maintain these cut-off dates for the upcoming visa bulletins, but we will continue to keep you informed of these developments. Since there is considerable change in this month's bulletin, it is important to discuss your or your employees' potential eligibility for an adjustment of status filing with your immigration counsel, to take advantage of the newly available immigrant visas.

## **Related Practices**

Immigration