

Newsletter

Immigration Monthly - February 2014

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Welcome to the February 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:

- H-1B Season is Nearing! April 1, 2014 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 an extra 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.
- Scam Alert. Important recent reminder from the USCIS advises immigration benefits petitioners and beneficiaries regarding the caller ID "spoofing." Scammers use technology to display a fake phone number in a call recipient's caller ID, pose as USCIS officers, and try to extort money for the supposed immigration records corrections. There are threats of deportation and other immigration consequences during these calls. Since USCIS does not collect any payments or personal information via telephone, the best strategy is to discontinue an abusive call as quickly as possible and contact the USCIS at their newly improved Interactive Voice Response System (1-800-375-5283) where your immigration information and case status update should be available free of charge.

DEPARTMENT OF LABOR (DOL) INFORMATION:

- ICE has reported a wave of arrests throughout Texas and Louisiana. More than 30 individuals have been charged with racketeering and immigration violations related to illegal workers recruitment through employment referral agencies, for employment in Chinese restaurants in the U.S. Unauthorized employees, mostly from Central and South America, were working and living in deplorable conditions. If convicted, the defendants may be facing up to 20 years of imprisonment on the racketeering charges and up to 10 years for immigration conspiracy.
- Per ICE's announcement, Colorado paving business has been sentenced to pay in excess of \$180,000 in forfeiture of criminal proceeds for its illegal hiring practices. This was the government's second investigation into Premier Paving employment and hiring methods, with the first investigation having resulted in \$11,000 fines in June 2008. The recent investigation centered around the company's repeat rounds of immigration violations and continued practice of illegal hiring.

DEPARTMENT OF STATE (DOS) NEWS:

- The DOS Visa Bulletin for March 2014 reflects considerable visa numbers availability changes. Most notably, Employment-Based 3rd (EB-3) "Skilled Workers, Professionals, and Other Workers" category for all countries, except India and the Philippines, continues to make progress by advancing 3 months to September 1, 2012. EB-3 for nationals of India and the Philippines advanced 2 weeks, to September 15, 2003 and May 1, 2007 respectively. EB-2 for natives of China is moving forward by 5 weeks, to February 15, 2009. Several of the family-based immigration preference categories experience slight advancement ranging from 1 week to a month. As expected, the Mexico F2A category reserved for spouses and children of U.S. permanent residents, regressed 17 months, to April 15, 2012. The DOS projects that visa availability for all family-sponsored categories, except F2A, will advance monthly by 2 to 7 weeks in the coming months. For employment-based categories, the DOS expects monthly movement in EB-2 category for nationals of China to advance 3 to 5 weeks with no forward movement for EB-2 category for India natives. The DOS does not expect EB-3 to advance in the coming months as to allow applicant demand to catch up to available visa numbers.

- TN visas under North American Free Trade Agreement (NAFTA) update. Are you using TN visas for professional workers from Canada and Mexico? In many cases, these visas provide excellent alternatives to the H-1Bs and are easier to obtain. The recently published DOS Final Rule has officially removed NAFTA petition requirements for Mexican citizens, which solidifies consular TN applications for nationals of Mexico, without the need for a prior TN petition approval by the USCIS. TN work permit border applications for Canadian nationals (and a possibility of pre-adjudication of same by the USCIS) and the streamlined consular applications for Mexican citizens make TNs a highly beneficial option for North American professionals. Discuss TN options with your immigration counsel if you have not been putting NAFTA work permits to good use.

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