

# Newsletter

## Immigration Monthly - October 2017

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Welcome to the October 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.

#### Hot Off The Press!

Due to a technical issue, the Diversity Visa (DV) 2019 entry period that began on October 3, 2017, was closed. Lottery entries submitted between October 3 and October 10, 2017, are not valid and have been deleted; resubmission of any entries made during that period is necessary and will not count as a duplicate entry. The technical issue has been resolved and a new lottery period will begin at noon (ET) on October 18, 2017, and will run until noon (ET) on November 22, 2017. Only entries submitted during this new designated lottery period will be accepted and considered for selection in the lottery.

#### Department of Homeland Security (DHS) Update:

- U.S. Citizenship and Immigration Services (USCIS) has recently resumed expedited processing (Premium Processing service) for all types of H-1B petition proceedings. H-1B petitions can now be filed under the 15-day Premium Processing adjudication program or a Premium Processing service request can be filed on a pending H-1B petition. Importantly, decision to use Premium Processing program should not be taken lightly as incidence of Requests for Evidence (RFEs) is generally higher for these expedited filings. Expediting already pending H-1B petitions can be especially risky and increase the chance for an RFE substantially. In some instances, however, Premium Processing may be critical for the petitioner or the foreign worker and it is important to discuss the options with immigration counsel.
- DHS has determined that conditions in Sudan no longer support that country's designation for Temporary Protected Status (TPS) and the TPS designation is set to expire on November 2, 2018. Current beneficiaries of Sudan's TPS designation must undergo re-registration to preserve eligibility through November 2, 2018 and may obtain or extend their employment authorization through that date. Importantly, Sudanese nationals that will be losing their TPS benefits in November 2018, should review alternative immigration options at this time and apply for any alternative immigration benefits they may be eligible for before the end of the TPS program next year.
- Based on the newly established data sharing partnership between USCIS and the Social Security Administration (SSA), certain categories of foreign nationals in the U.S. are now able to apply for employment authorization and a social security number (SSN) using the new Form I-765, Application for Employment Authorization (EAD) administered by USCIS. The new Form I-765 edition includes additional questions that provide applicants with an opportunity to request an SSN without having to file a separate application with SSA. Within approximately two weeks of an EAD approval, these applicants should automatically receive their Social Security cards from SSA.

#### Immigration and Customs Enforcement (ICE) News:

Following investigation and resulting charges, Asplundh Tree Expert Co. pled guilty to hiring undocumented immigrants and will pay \$95 million in criminal forfeiture and civil penalties, which amounts to the largest fine ever assessed in a single immigration case. The government alleged that the higher level management of the company “remained willfully blind” to the lower managers knowingly hiring and employing unauthorized workers. In addition to paying substantial fines above, Asplundh has committed to a number of remedial and corrective measures aimed to ensure proper employment eligibility compliance and establish and improve related corporate practices.

### **Department of State (DOS) Update:**

The November 2017 DOS Visa Bulletin “Final Action” chart for employment-based preference cases contains some important updates as we enter the 2nd month of the government’s new fiscal year (FY2018). All qualified EB-1 Priority Workers immigrant visa eligibility remains current for the second consecutive month. EB-2 “Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability” for All Chargeability areas, Mexico, El Salvador/Guatemala/Honduras, and the Philippines also continues to remain current. EB-2 China will advance 3 weeks to a cut-off date of June 15, 2013, while EB-3 “Professionals/Skilled Workers” for China progresses 1 month to February 1, 2014 priority date. EB-2 India progresses 3 weeks to a cut-off date of October 8, 2008, while EB-3 India experiences no change.

Please review next month’s newsletter for the latest update and contact your immigration counsel with questions and to plan immigration filing based on the Bulletin data.

### **Related Practices**

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