

Business Immigration Weekly for February 10, 2017

2/21/2017

Practices: Immigration

STATUS OF TRAVEL BAN EXECUTIVE ORDER (AS OF FEBRUARY 16, 2017)

President Trump's Executive Order instituting a travel ban on nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen has been blocked by the US Court of Appeals for the Ninth Circuit. The Court halted the controversial travel ban on the basis that it was too expansive and unconstitutional. The Department of Justice indicated that it would not pursue the case because the President was prepared to rescind and modify the order in the next few weeks.

NEW M-274 I-9 HANDBOOK FOR EMPLOYERS ISSUED

The US Citizenship and Immigration Services (USCIS) has recently issued an updated M-274, Handbook for Employers (<https://www.uscis.gov/i-9>). In addition to I-9 Central (<https://www.uscis.gov/i-9-central>), the Handbook is one of the key Form I-9, Employment Eligibility Verification, resources available to employers. The new version of the Handbook incorporates many significant changes including changes in immigration law and policy and the new version of the Form I-9 that was effective January 2017.

VISA BULLETIN FOR MARCH 2017

The Department of State (DOS) released the most recent Visa Bulletin. Below is a summary of green card Final Action Dates and Dates For Filing dates for employment-based immigrant visa categories for the month of May.

PLEASE NOTE: Per a new USCIS policy, a week after the Department of State (DOS) issues its monthly Visa Bulletin indicating immigrant visa availability for the next month, the USCIS will make its own separate determination on green card availability. If green cards are available for a certain category, the USCIS will post its own notice on its website at: www.uscis.gov/visabulletininfo to alert immigrants applying in those categories with more availability, that they may use the Dates for Filing chart and not the Final Action Date chart. Thus immigrants may no longer rely on the DOS Visa Bulletin, but must wait one week after its publication and then look to the USCIS to see whether a green card is available to them.

GREEN CARD "DATES FOR FILING" AVAILABILITY DATES

Individuals with priority dates prior to the dates listed in the chart below are eligible to file their green card applications during the month of March.

| | | | | | |
|-------------|-------------------|--------|-------|--------|-------------|
| Employment- | All Chargeability | CHINA- | INDIA | MEXICO | PHILIPPINES |
|-------------|-------------------|--------|-------|--------|-------------|

| | | | | | |
|-------------------------------------|---------------------------|---------------|---------|---------|---------|
| based | Areas Except Those Listed | mainland born | | | |
| 1st | CURRENT | CURRENT | CURRENT | CURRENT | CURRENT |
| 2nd | CURRENT | 01MAR13 | 22APR09 | CURRENT | CURRENT |
| 3rd | CURRENT | 01MAY14 | 01JUL05 | CURRENT | 01SEP13 |
| Other Workers | CURRENT | 01AUG09 | 01JUL05 | CURRENT | 01SEP13 |
| 4th | CURRENT | CURRENT | CURRENT | CURRENT | CURRENT |
| Certain Religious Workers | CURRENT | CURRENT | CURRENT | CURRENT | CURRENT |
| 5th Non-Regional Center (C5 and T5) | CURRENT | 15JUN14 | CURRENT | CURRENT | CURRENT |
| 5th Regional Center (I5 and R5) | CURRENT | 15JUN14 | CURRENT | CURRENT | CURRENT |

GREEN CARD APPROVAL "FINAL ACTION DATES"

Individuals with priority dates prior to the dates listed in the chart below have a green card available to them during the month of March, therefore, the US government may take final action on their case.

| Employment based | All Chargeability Areas Except Those Listed | CHINA-mainland born | EL SALVADOR GUATEMALA HONDURAS | INDIA | MEXICO | PHILIPPINES |
|---------------------------|---|---------------------|--------------------------------------|---------|---------|-------------|
| 1st | CURRENT | CURRENT | CURRENT | CURRENT | CURRENT | CURRENT |
| 2nd | CURRENT | 15DEC12 | CURRENT | 01JUN08 | CURRENT | CURRENT |
| 3rd | 01DEC16 | 15MAR14 | 01DEC16 | 22MAR05 | 01DEC16 | 15MAR12 |
| Other Workers | 01DEC16 | 01FEB06 | 01DEC16 | 22MAR05 | 01DEC16 | 15MAR12 |
| 4th | CURRENT | CURRENT | 15JUL15 | CURRENT | 15JUL15 | CURRENT |
| Certain Religious Workers | CURRENT | CURRENT | 15JUL15 | CURRENT | 15JUL15 | CURRENT |

| | | | | | | |
|--|---------|---------|---------|---------|---------|---------|
| 5th Non-Regional Center (C5 and T5) | CURRENT | 01MAY14 | CURRENT | CURRENT | CURRENT | CURRENT |
| 5th Regional Center (I5 and R5) | CURRENT | 01MAY14 | CURRENT | CURRENT | CURRENT | CURRENT |

Month-to-month availability of immigrant visas varies and depends on many factors. The entire Visa Bulletin can be viewed at:

<https://travel.state.gov/content/visas/en/law-and-policy/bulletin/2017/visa-bulletin-for-march-2017.html>

Weekly Immigration Updates are provided under the Legal Update link of the Immigration Group Section of our firm's website at www.masudafunai.com.