

Business Immigration Weekly for March 6, 2017

4/4/2017

Practices: Immigration

STATUS OF SECOND TRAVEL BAN EXECUTIVE ORDER

President Trump issued a second, more tailored, executive order instituting a travel ban on nationals from Iran, Libya, Somalia, Sudan, Syria and Yemen. Iraq was removed from the list of countries from the first travel ban. This second travel ban was quickly blocked by a Hawaiian federal judge and remains suspended.

SIGNIFICANT CHANGES TO I-9 HANDBOOK (M-274) FOR EMPLOYERS

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.

One of the major changes deals with the implementation of the High Skilled Worker Final Rule that became effective on January 17, 2017. This Rule allows Employment Authorization Documents with the following eligibility codes: A03, A05, A08, A10, C08, C09, C10, C16, C20, C22, C24, C31 and A12 or C19 an automatic extension of employment authorization for 180 days after the expiration of the card. In order to benefit, the following conditions must be met: 1) the employee has timely filed an application for a renewal of the document (except some Temporary Protected Status applicants); 2) the application is still pending with the government; and 3) the eligibility code is one of the codes listed above. For the most updated list, please go to the www.uscis.gov website. For specific information on how to complete the Form I-9 in these cases, go to the M-274, page 17.

VISA BULLETIN FOR APRIL 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 current month.

Employment based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
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	15JAN13	CURRENT	22JUN08	CURRENT	CURRENT

3rd	15FEB17	15AUG14	15FEB17	24MAR05	15FEB17	15SEP12
Other Workers	15FEB17	01MAR06	15FEB17	24MAR05	15FEB17	15SEP12
4th	CURRENT	CURRENT	15JUL15	CURRENT	15JUL15	CURRENT
Certain Religious Workers	CURRENT	CURRENT	15JUL15	CURRENT	15JUL15	CURRENT
5th Non-Regional Center (C5 and T5)	CURRENT	22MAY14	CURRENT	CURRENT	CURRENT	CURRENT
5th Regional Center (I5 and R5)	CURRENT	22MAY14	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.html>