

Business Immigration Weekly for January 9, 2015

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Practices: Immigration

TEMPORARY PROTECTED STATUS EXTENDED AND REDESIGNATED FOR SYRIA

The Department of Homeland Security (DHS) announced this week that it has extended the designation of Syria and that it is redesignating Syria for Temporary Protected Status (TPS) for 18 months from April 1, 2015 to September 30, 2016. The extension will enable individuals who are already covered by TPS to retain this protection and the redesignation will permit eligible Syrian nationals who have been continuously living in the United States since January 5, 2015 to apply for TPS. Furthermore, individuals who are covered by TPS will be able to apply for a new employment authorization document. Eligible individuals will have to re-register for TPS from January 5, 2015 through March 6, 2015 and will be issued employment authorization documents with an expiration of September 30, 2016. First-time applicants applying for TPS must submit an application during the registration period covering January 5, 2015 through 180 days after publication. Individuals can find more information, including the applications for TPS at: <http://www.uscis.gov/humanitarian/temporary-protected-status-deferred-enforced-departure/tps-designated-country-syria/temporary-protected-status-designated-country-syria>

DHS is automatically extending the employment authorization for eligible individuals for six months (through September 30, 2015) in order to allow them to apply and receive their new employment authorization documents. A copy of the Federal Register Notice granting this automatic extension of employment authorization is sufficient documentation for Form I-9, Employment Eligibility Verification, purposes. Employers should re-verify the employment authorization of these individuals prior to September 30, 2015. At that point, the individuals must provide a valid employment authorization document in order to continue to demonstrate their ability to continue working in the United States.

The DHS designates a country for TPS when conditions in the country are dangerous. This may be due to armed conflict, environmental disasters or other temporary events. TPS provides certain protections to nationals of the designated country such as protection from removal from the United States, eligibility for an employment authorization document and travel authorization. TPS is not a path to US lawful permanent residence. The following countries are currently designated by the DHS for TPS: El Salvador, Guinea, Haiti, Honduras, Liberia, Nicaragua, Sierra Leone, Somalia, Sudan, South Sudan and Syria.

DHS EXTENDS EMPLOYMENT AUTHORIZATION FOR SYRIAN STUDENTS

DHS extends the employment authorization of Syrian students in F-1 status that are experiencing severe economic hardship as a result of the continued unrest in Syria. DHS initially provided employment

authorization for these students from April 3, 2012 to October 3, 2013 and then from October 3, 2013 to March 31, 2015. This extension of employment authorization will cover from March 31, 2015 to September 30, 2016. These students will continue to be considered to be in a "full course of study" for the term of the employment authorization as long as they continue to comply with the minimum course load requirement. The additional requirements are that the F-1 students have been lawfully present on April 3, 2012, be enrolled in an academic institution that is certified by the Student and Exchange Visitor Program for enrolling F-1 students, be maintaining F-1 status and have severe economic hardship because of the civil unrest in Syria.

FEBRUARY 2015 VISA BULLETIN UPDATE

The Department of State (DOS) released its February 2015 Visa Bulletin which shows the availability of employment-based immigrant visa categories for the month of February. Below is a summary of the bulletin highlights:

- The EB-2 India category has advanced from February 15, 2005 to September 1, 2005.
- The EB-2 China category has advanced one month from February 1, 2010 to March 15, 2010.
- The EB-3 India category advances two weeks from December 15, 2003 to December 22, 2003.
- The EB-3 World, Mexico and Philippines categories continue to exhibit strong advancement from June 1, 2013 to January 1, 2014.
- The EB-3 China category also continues to show significant advancement from March 1, 2011 to September 1, 2011.

Please note that month-to-month availability of immigrant visas varies and depends on many factors. These forecasts do not guarantee future availability.

FORECAST FOR FUTURE MONTHS

The following is a summary of the DOS' forecast for availability of immigrant visas:

1. EB-1 will remain current.
2. EB-2 China will advance three to six weeks.
3. EB-2 India will advance four to six months
4. EB-2 World will remain current.
5. EB-3 World will advance another month or two.
6. EB-3 China will see rapid advancement which may require a cutoff in future months.
7. EB-3 India will advance two weeks.
8. EB-3 Mexico will remain consistent at the EB-3 World date.
9. EB-3 Philippines will remain consistent with the EB-3 World date, but may require a cutoff in future months.
10. EB-5 China may be cutoff as early as the summer months. All other countries will remain current.

COMPARISON TO PRIOR MONTHS

The following is a comparison of priority date movement since the inception of the current retrogression in 2007:

	Dec 2007	Jun 2008	Aug 2009	Sept 2012	May 2013	Jan 2015	Feb 2015
EB-3 World	09/01/02	03/01/06	U	10/01/06	12/01/07	06/01/13	01/14/14
EB-2 China	01/01/03	04/01/04	10/01/03	U	05/15/08	02/01/10	03/15/10
EB-3 China	10/15/01	03/22/03	U	12/15/05	12/01/07	03/01/11	09/01/11
EB-2 India	01/01/02	04/01/04	10/01/03	U	09/01/04	02/15/05	09/01/05
EB-3 India	05/01/01	11/01/01	U	10/08/02	12/22/02	12/15/03	12/22/03
EB-3 Other Workers	10/01/01	01/01/03	U	10/01/06	12/01/07	06/01/13	01/14/14

Additional information about the movement of the employment-based immigrant visa priority dates will be contained in our firm's future Immigration Updates when it becomes available.

PANAMA TO JOIN GLOBAL ENTRY

The US Customs and Border Protection (CBP) has announced that as of January 12, 2015, Panama will join the select countries that are eligible to participate in the Global Entry Program. Global Entry facilitates entry into the United States after international travel for certain pre-screened travelers at automated kiosks at certain airports. Instead of being inspected by a CBP admissions officer at the port of entry, a Global Entry traveler proceeds to an automated kiosk where they scan their machine-readable passport or U.S. permanent resident card data, provide their fingerprint and can make their customs declaration. Currently, German and Mexican citizens are eligible for Global Entry. Additionally, citizens of the Netherlands are eligible for Global Entry if they are enrolled in Privium. Korean citizens are eligible if they are Smart Entry Service Members. Canadian citizens are not eligible for Global Entry, but they can enroll in a different trusted traveler program, NEXUS, which issues a card to approved travelers which can be used as an alternative to their U.S. or Canadian passport.

Global Entry requires completion of an on-line application, payment of a \$100 fee, interview and background check. To review Global Entry eligibility and application procedures, please go to: <http://www.cbp.gov/global-entry/how-to-apply>

GLOBAL ENTRY EXPANDS TO CHICAGO'S MIDWAY AIRPORT

This week, CBP has expanded the Global Entry Program to seven additional airports one of which is Chicago's Midway International Airport (MDW). Currently, approximately 45 international airports have Global Entry capability and this includes Chicago's O'Hare International Airport (ORD). Global Entry facilitates entry into the United States after international travel for certain pre-screened travelers at automated kiosks at certain airports. Instead of being inspected by a CBP admissions officer at the port of entry, a Global Entry traveler proceeds to an automated kiosk where they scan their machine-readable passport or U.S. permanent resident card data, provide their fingerprint and can make their customs declaration. The additional six airports to

receive the Global Entry automated kiosks include: Ted Stevens Anchorage International Airport, Anchorage, Alaska (ANC); Cincinnati/Northern Kentucky International Airport, Hebron, Kentucky (CVG); Cleveland Hopkins International Airport, Cleveland, Ohio (CLE); Pittsburgh International Airport, Pittsburgh, Pennsylvania (PIT); Austin-Bergstrom International Airport, Austin, Texas (AUS) and General Mitchell International Airport, Milwaukee, Wisconsin (MKE).