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Headlines:

House Holds Hearing on H-2B Temporary Foreign Worker Program – Sen. Chuck Grassley (R-Iowa) noted, among other things, that according to USCIS statistics, as of June 2, 2016, the agency had already approved petitions for 12,727 returning H-2B workers, "with 1,171 potential additional returning workers in the pipeline."

State Dept. Releases DV-2017 Results – Approximately 83,910 applicants have been registered and notified and may now apply for an immigrant visa. Applicants registered for the DV-2017 program were selected at random from 12,437,190 qualified entries (19,344,586 with derivatives).

EB-4 Visa Limits Reached for Special Immigrants From Mexico – Starting July 1, 2016, applicants from Mexico who filed Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, on or after January 1, 2010, will not be able to obtain an immigrant visa or adjust status until new visas become available.

USCIS Clarifies CW-1 Extension of Stay Petitions – USCIS clarified that although extension of stay petitions for current CW-1 workers are counted toward the CW-1 cap, these petitions will be accepted under certain circumstances.

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House Holds Hearing on H-2B Temporary Foreign Worker Program

The U.S. House of Representatives held a hearing on June 8, 2016, entitled "The H-2B Temporary Foreign Worker Program: Examining the Effects on Americans' Job Opportunities and Wages." Testifying were Michael Cunningham, Executive Director and Secretary/Treasurer, Texas State Building and Construction Trade Council; Meredith Stewart, Staff Attorney, Southern Poverty Law Center; Daniel Costa, Director of Immigration Law and Policy Research, Economic Policy Institute; Stephen G. Bronaers, Partner, Edgeworth Economics; and Steven A. Camarota, Director of Research, Center for Immigration Studies. Presiding was Sen. Chuck Grassley (R-Iowa).

Sen. Grassley noted, among other things, that according to statistics from U.S. Citizenship and Immigration Services (USCIS), as of June 2, 2016, the agency had already approved petitions for 12,727 returning H-2B workers, "with 1,171 potential additional returning workers in the pipeline." That's a potential total, so far, of 13,898 returning workers this fiscal year, he noted. "That number exceeds by almost 75% the Congressional Budget office's estimate of only 8,000 H-2B returning workers this fiscal year," Sen. Grassley said.

The American Immigration Lawyers Association (AILA) released a related statement. AILA President Victor Nieblas Pradis noted, "The H-2B visa program is capped at 66,000 visas per year, and that numerical cap has not once been changed since the visa category was established in 1990, despite changing market demands. Small and seasonal businesses seek qualified American workers to fill seasonal or temporary short-term positions, but when those positions remain unfilled, U.S. employers need the H-2B program to meet their business demands. I very much hope that the hearing today gives a fair shake to this vital program." He added, "Ultimately, however, what would best meet the needs of the U.S. economy is a real essential worker visa, one that would allow a sufficient number of these workers to come to the U.S. and would include an opportunity to apply for permanent status if they so desired. We hope that today's hearing will bring Congress closer to understanding the critical need for a workable essential worker visa."

Sen. Grassley's statement and witness testimony are at <http://www.judiciary.senate.gov/meetings/the-h-2b-temporary-foreign-worker-program-examining-the-effects-on-americans-job-opportunities-and-wages>. AILA's statement is at <http://www.aila.org/advo-media/press-releases/2016/statement-h-2b-temp-worker-program-hearing>.

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State Dept. Releases DV-2017 Results

The Department of State's Visa Bulletin for July 2016 includes the diversity visa lottery 2017 (DV-2017) results.

The bulletin notes that the Kentucky Consular Center in Williamsburg, Kentucky, has registered and notified the winners of the DV-2017 diversity lottery. Approximately 83,910 applicants have been registered and notified and may now apply for an immigrant visa. Because it is likely that some of the first 50,000 persons registered will not pursue their cases to visa issuance, the State Department noted, this larger figure should ensure that all DV-2017 numbers will be used during fiscal year 2017 (October 1, 2016, until September 30, 2017).

The bulletin explains that applicants registered for the DV-2017 program were selected at random from 12,437,190 qualified entries (19,344,586 with derivatives) received during the application period that ran from October 1, 2015, until November 3, 2015. The visas have been apportioned among six geographic regions with a maximum of seven percent available to persons born in any single country.

During the visa interview, principal applicants must provide proof of a high school education or its equivalent, or show two years of work experience in an occupation that requires at least two years of training or experience within the past five years. Those selected will need to act on their immigrant visa applications quickly, the bulletin notes. Applicants should follow the instructions in their notification letters.

Registrants living legally in the United States who wish to apply for adjustment of status must contact U.S. Citizenship and Immigration Services for information on the requirements and procedures. Once the visa numbers have been used, the program for fiscal year 2017 will end. Selected applicants who do not receive visas by September 30, 2017, will derive no further benefit from their DV-2017 registration. Similarly, spouses and children accompanying or following to join DV-2017 principal applicants are only entitled to derivative diversity visa status until September 30, 2017.

Dates for the DV-2018 program registration period will be widely publicized in the coming months. Those interested in entering the DV-2018 program should check the Department of State's Visas webpage at <https://travel.state.gov/content/visas/en.html>.

The Visa Bulletin for July 2016 includes a chart showing the statistical breakdown by foreign-state chargeability of those registered for the DV-2017 program. See <https://travel.state.gov/content/visas/en/law-and-policy/bulletin/2016/visa-bulletin-for-july-2016.html>.

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EB-4 Visa Limits Reached for Special Immigrants From Mexico

The Department of State's Visa Bulletin for July 2016 reflects a final action date of January 1, 2010, for EB-4 visas for special immigrants from Mexico. This means that starting on July 1, 2016, applicants from Mexico who filed Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, on or after January 1, 2010, will not be able to obtain an immigrant visa or adjust status until new visas become available.

Mexico has reached its EB-4 visa limit as congressionally mandated for fiscal year 2016, which ends September 30. Information on EB-4 visa availability for fiscal year 2017 will appear in the Department of State's October Visa Bulletin, which will be published this September.

EB-4 visas are for special immigrants. These are individuals who may be eligible for lawful permanent resident status based on specific classifications, including Special Immigrant Juvenile (SIJ).

The following are details on what this action means to **EB-4 applicants from Mexico**:

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. Petitioners from any country, including Mexico, may continue to file an I-360. There is no annual limit on the number of I-360 petitions USCIS may approve.

Form I-485, Application to Register Permanent Residence or Adjust Status. The final action date is January 1, 2010. This final action date will become effective July 1. USCIS will accept all properly filed I-485 submissions under the EB-4 classification until June 30, 2016, and will continue to adjudicate applications while visas remain available.

For those who file Form I-485 under the EB-4 classification on or after July 1, 2016:

- USCIS will process and make a decision on the I-485 only if the applicant filed his or her I-360 petition before January 1, 2010, and the I-360 is ultimately approved.

- USCIS will reject and return other I-485 applications but will continue to process I-360 petitions (even if submitted together with an I-485 that gets rejected).

For **EB-4 applicants from other countries**, as of July 1, 2016, there is a final action date of January 1, 2010, for special immigrant applicants for adjustment of status from El Salvador, Guatemala, and Honduras. Applicants from El Salvador, Guatemala, and Honduras should refer to Employment-Based Fourth Preference (EB-4) Visa Limits Reached for Special Immigrants from El Salvador, Guatemala, and Honduras. See <https://www.uscis.gov/news/employment-based-fourth-preference-eb-4-visa-limits-reached-special-immigrants-el-salvador-guatemala-and-honduras>.

The announcement is at <https://www.uscis.gov/news/alerts/employment-based-fourth-preference-eb-4-visa-limits-reached-special-immigrants-mexico>. The Visa Bulletin is at <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>.

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USCIS Clarifies CW-1 Extension of Stay Petitions

U.S. Citizenship and Immigration Services (USCIS) announced on May 20, 2016, that it had received a sufficient number of petitions to reach the numerical limit (cap) of 12,999 workers who may be issued CW-1 visas or otherwise provided with CW-1 status for fiscal year (FY) 2016. May 5 was the final receipt date for CW-1 worker petitions requesting an employment start date before October 1, 2016. USCIS subsequently clarified that although extension of stay petitions for current CW-1 workers are counted toward the CW-1 cap, these petitions will be accepted under certain circumstances.

All CW-1 workers are subject to the cap unless the worker has already been counted toward the cap in the same fiscal year. The U.S. government's fiscal year begins on October 1 and ends the following September 30.

If CW-1 workers were already counted toward the CW-1 cap for FY 2016, meaning that their previous employment start dates were on or after October 1, 2015, their employers can file a petition to change employer or extend CW-1 status in FY 2016, even though the FY 2016 CW-1 cap was reached on May 5, 2016.

Additionally, USCIS said it is currently accepting CW-1 petitions requesting employment start dates on or after October 1, 2016, which are counted toward the FY 2017 CW-1 cap.

USCIS encourages CW-1 employers to file a petition for a CW-1 nonimmigrant worker up to 6 months in advance of the proposed employment start date, and as early as possible within that time frame. USCIS said it will reject a petition filed more than 6 months in advance.

The notice is at <https://www.uscis.gov/news/alerts/clarification-cw-1-extension-stay-petitions>.

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New Publications and Items of Interest

Teleconference on H-2A and H-2B visa classifications. USCIS invites stakeholders to a teleconference on June 29, 2016, on the H-2A and H-2B nonimmigrant visa classifications. USCIS officials will provide brief overviews of each program and highlight updates, then answer non-case-specific questions. For more information or to register, see <https://www.uscis.gov/outreach/h-2a-and-h-2b-nonimmigrant-visa-classifications>.

USCIS virtual assistant in Spanish. USCIS expanded the capabilities of "Emma," a virtual assistant that allows users to find immigration information. Emma can answer questions and direct users to relevant USCIS Web pages in Spanish as well as English. See <https://www.uscis.gov/news/uscis-virtual-assistant-now-available-spanish>.

The latest E-Verify webinar schedule from USCIS is available at <http://www.uscis.gov/e-verify/e-verify-webinars/take-free-webinar>.

The latest edition of the *Global Business Immigration Practice Guide* has been released by LexisNexis. Dozens of members of the Alliance of Business Immigration Lawyers (ABIL) co-authored and edited the guide, which is a one-stop resource for dealing with questions related to business immigration issues in 30 immigration hotspots around the world.

The latest edition adds chapters on Malta and Romania. Other chapters cover Australia, Belgium, Brazil, Canada, China, Costa Rica, the European Union, France, Germany, Ghana, Hong Kong, India, Ireland, Israel, Italy, Japan, Mexico, the Netherlands, Nigeria, Peru, Russia, Singapore, South Africa, Spain, Switzerland, Turkey, the United Kingdom, and the United States.

Latchi Delchev, a global mobility and immigration specialist for Boeing, called the guide "first-rate" and said the key strong point of the book is its "outstanding usability." She said she highly recommends the book and notes that it "is helpful even to seasoned professionals, as it provides a level of detail which is not easily gained from daily case management."

Mireya Serra-Janer, head of European immigration for a multinational IT company, says she particularly likes "the fact that the [guide] focuses not just on each country's immigration law itself but also addresses related matters such as tax and social security issues." She noted that the India chapter "is particularly good. The immigration regulations in India have always been hard to understand. Having a clear explanation of the rules there helps us sort out many mobility challenges."

Charles Gould, Director-General of the International Co-operative Alliance, said the guide is "an invaluable resource for both legal practitioners and business professionals. The country-specific chapters are comprehensive and answer the vast majority of questions that arise in immigration practice. Its clear and easy-to-follow structure and format make it the one volume to keep close at hand."

This comprehensive guide is for:

- Human resources professionals and in-house attorneys who need to instruct, understand, and liaise with immigration lawyers licensed in other countries;
- Business immigration attorneys who regularly work with multinational corporations and their employees and HR professionals; and
- Attorneys interested in expanding their practice to include global business immigration services.

This publication provides:

- An overview of the immigration law requirements and procedures for over 20 countries;
- Practical information and tips for obtaining visas, work permits, resident status, naturalization, and other nonimmigrant and immigrant pathways to conducting business, investing, and working in those countries;
- A general overview of the appropriate options for a particular employee; and
- Information on how an employee can obtain and maintain authorization to work in a target country.

Each chapter follows a similar format, making it easy to compare practices and procedures from country to country. Useful links to additional resources and forms are included. Collected in this Practice Guide, the expertise of ABIL's attorney members across the globe will serve as an ideal starting point in your research into global business immigration issues.

An excerpt of the book is on the ABIL website at http://www.abil.com/global_practice_guide.cfm.

Contact your Lexis/Nexis sales representative; call 1-800-833-9844 (United States), 1-518-487-3385 (international); fax 1-518-487-3584.

ABIL on Twitter. The Alliance of Business Immigration Lawyers is on Twitter: @ABILImmigration. Recent ABIL member blogs are at <http://www.abilblog.com/>.

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ABIL Member/Firm News

The following **ABIL members** will speak at the American Immigration Lawyers Association's Annual Conference in Las Vegas, Nevada, on June 22-25, 2016:

"Caveat Emptor: The Ethics of Choosing and Working with Service Vendors Roundtable"

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>)

Rami Fakhoury (bio: <http://www.abil.com/lawyers/lawyers-fakhoury.cfm?c=US>)

"Creative Strategies for Dependents Roundtable"

Elise A. Fialkowski (Mr. Klasko's partner)

"Researchers Don't Always Wear Lab Coats: Taking Advantage of Special Provisions for Researchers Roundtable"

Robert Aronson (Laura Danielson's partner) (discussion leader)

"Hot Topics with the AILA National Officers"

William Stock (Mr. Klasko's partner)

" 'Challenging' Prevailing Wage Issues"

Vincent Lau (discussion leader) (bio: <http://www.abil.com/lawyers/lawyers-lau.cfm>)

Sharon Mehlman (bio: <http://www.abil.com/lawyers/lawyers-mehlman.cfm>)

"Mission Impossible: Managing Your Staff and Non-Staff"

Charles Kuck (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>)

"AILA Ethics Compendium Live Roundtable"

Mr. Mehta (discussion leader)

"Employment-Based Immigration: The Preference Categories"

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>)

"What Every U.S. Immigration Lawyer Should Know About Outbound Business and Employment Visas Roundtable"

Laura Devine (bio: <http://www.abil.com/lawyers/lawyers-devine.cfm?c=UK>)

"Establishing the Employer-Employee Relationship in NIV Third-Party Placements Roundtable"

Cora-Ann Pestaina (Mr. Mehta's partner)

"Winning at the Consular Game"

Kehrela Hodkinson (bio: <http://www.abil.com/lawyers/lawyers-hodkinson.cfm>)

"EB-5 Nuts and Bolts"

Bernard Wolfsdorf (bio: <http://www.abil.com/lawyers/lawyers-wolfsdorf.cfm>) (discussion leader)

"Complexities and Issues in Dealing with EB-5 Regional Centers"

Carolyn Lee (Mr. Yale-Loehr's partner)

Angelo Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>)

"Advanced Issues in EB-5 Investment Practice"

H. Ronald Klasko (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm>)

Laura Danielson (bio: <http://www.abil.com/lawyers/lawyers-danielson.cfm?c=CN>)

"Ethical Issues in an Evolving World"

Greg Siskind (**Lynn Susser's** (bio: <http://www.abil.com/lawyers/lawyers-susser.cfm?c=US>) partner)

"When Can You Use the H-2B and H-2A Visas: Don't Leave Them Out on the Range"

Loan Huynh (Ms. Danielson's partner) (discussion leader)

The following **ABIL members** will speak at the American Immigration Lawyers Association's Global Forum in Las Vegas, Nevada, on June 21-22, 2016:

"Global Immigration in a Changing World: Terrorism, Migration and Business Immigration"

Bettina Offer (bio: <http://www.abil.com/lawyers/lawyers-offer.cfm?c=DE>)

Bernard Caris (bio: <http://www.abil.com/lawyers/lawyers-caris.cfm?c=BE>)

Nicolas Rollason (bio: <http://www.abil.com/lawyers/lawyers-rollason.cfm?c=UK>)

"Show Me the Money – The Global Boom in Investor Immigration Programs"

H. Ronald Klasko (discussion leader) (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm>)

Avi Gomberg (bio: <http://www.abil.com/lawyers/lawyers-gomberg.cfm?c=CA>)

"Lunch With the Experts"

Jelle Kroes (bio: <http://www.abil.com/lawyers/lawyers-kroes.cfm?c=NL>)

Ana Garicano Sole (bio: <http://www.abil.com/lawyers/lawyers-garicano.cfm?c=ES>)

Ariel Orrego-Villacorta (bio: <http://www.abil.com/lawyers/lawyers-orrego-villacorta.cfm?c=PE>)

"Don't Bluff This Hand – Navigating Country-Specific Surprise Issues in a Global Mobility Practice"

Enrique Arellano (bio: <http://www.abil.com/lawyers.cfm?c=MX>)

"What's Hiding in the Cards – Eligibility Challenges – Identifying and Overcoming Issues That May Result in Visa Denials"

Laura Devine (bio: <http://www.abil.com/lawyers/lawyers-devine.cfm?c=UK>)

"Fun and Games in the Entertainment Capital: Immigration Issues in Entertainment and Sports"

Maria Isa Soter (bio: <http://www.abil.com/lawyers/lawyers-soter.cfm?c=BR>)

For more information, see <http://www.aila.org/File/Related/16020203.pdf>. To register, see <https://www.eventbrite.com/e/aila-global-immigration-forum-dont-gamble-with-global-assignments-maximize-your-odds-and-overcome-tickets-21022624235>.

The following **ABIL members and firms** were ranked in Chambers USA 2016:

Members:

Jim Alexander (John Nahajzer's (bio: <http://www.abil.com/lawyers/lawyers-nahajzer.cfm>) partner)

Sharon Cook Poorak (Angelo Paparelli's (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>) partner)

Charles Foster (Robert Loughran's (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) partner)

Hilary Fraser (Stephen Yale-Loehr's (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) partner)

David Fullmer (Mark Ivener's (bio: <http://www.abil.com/lawyers/lawyers-ivener.cfm>) partner)

David Isaacson (Cyrus Mehta's (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) partner)

Mark Ivener

Sameer Khedekar (Julie Pearl's (bio: <http://www.abil.com/lawyers/lawyers-pearl.cfm>) partner)

James King (Angelo Paparelli's partner)

Charles Kuck

Judy Lee (Robert Loughran's partner)

Sharon Mehlman

Cyrus Mehta

John Meyer (Robert Loughran's partner)

Christy Nguyen (Julie Pearl's partner)

Angelo Paparelli

Julie Pearl

Jan Pederson (John Nahajzer's partner)

Cora-Ann Pestaina (Cyrus Mehta's partner)

Bernard Wolfsdorf

Stephen Yale-Loehr

Firms:

Cyrus D. Mehta & Partners, PLLC

Foster, LLP

Ivener & Fullmer, LLP

Kuck Immigration Partners LLC

Maggio & Kattar, P.C.

Miller Mayer, LLP

Pearl Law Group

Wolfsdorf Rosenthal LLP

Mr. Lau will speak on "Creating a Sound PERM Program for Your Corporation – Large or Small" on Tuesday, June 21, 2016, at the CFGI Symposium in Washington, DC. For more information or to register, see <http://symposium.councilforglobalimmigration.org/>.

Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) presented on Form I-9 audit and E-Verify issues as they relate to mergers and acquisitions at the Gulf Coast Symposium in Houston, Texas, on May 12, 2016.

Mr. Mehta has published a new blog entry. "Were the DOJ Lawyers Really Unethical in Texas v. USA?" is at <http://blog.cyrusmehta.com/2016/06/were-the-doj-lawyers-really-unethical-in-texas-v-usa.html>.

Ms. Pestaina has published a new blog entry. "Can a STEM OPT Student Be Employed At A Third Party Client Site?" is at <http://blog.cyrusmehta.com/2016/06/can-a-stem-opt-student-be-employed-at-a-third-party-client-site.html>.

Mr. Yale-Loehr will speak at the following events:

June 22
Ilw.com EB-5 Summit
MGM Grand Hotel
Las Vegas, Nevada
Topic: The EB-5 End Game: I-829 Petitions

June 23
CanAm EB-5 panel discussion
Cosmopolitan Hotel
Las Vegas, Nevada
Topic: Hot Topics in EB-5 Immigrant Investor Practice

Mr. Yale-Loehr was quoted in "Deferred Dreams: Life in Limbo for an Immigrant Teen," published on June 6, 2016, by *Christian Century*. He noted that a court decision against the expansion of Deferred Action for Childhood Arrivals (DACA), or one that reverts to the lower court's decision on the question, is not good news for the original DACA. The president can continue it, he said, but once it has expired, it is unlikely to be renewed. The article is at <http://www.christiancentury.org/article/2016-06/deferred-dreams>.

Mr. Yale-Loehr was quoted by *Univision* on June 7, 2016. The article, in Spanish, is at <http://www.univision.com/noticias/accion-ejecutiva/los-escenarios-de-daca-y-dapa-despues-que-la-corte-suprema-decida-el-futuro-de-la-accion-ejecutiva>.

Mr. Yale-Loehr was quoted by *Univision* on June 13, 2016, about the upcoming U.S. v. Texas case now pending at the U.S. Supreme Court. The article, in Spanish, is at <http://www.univision.com/noticias/accion-ejecutiva/corte-suprema-de-estados-unidos-mantiene-en-vilo-a-5-millones-de-inmigrantes-indocumentados>.

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Government Agency Links

Follow these links to access current processing times of the USCIS Service Centers and the Department of Labor, or the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:

USCIS Service Center processing times online:
<https://egov.uscis.gov/cris/processTimesDisplay.do>

Department of Labor processing times and information on backlogs:
<http://www.foreignlaborcert.doleta.gov/times.cfm>

Department of State Visa Bulletin: http://travel.state.gov/visa/bulletin/bulletin_1360.html

Visa application wait times for any post: http://travel.state.gov/visa/temp/wait/wait_4638.html

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About ABIL

The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training, and other programs that benefit clients through the collaboration of more than 400 member lawyers and their 1,000 staff. Corporate counsel, human resource professionals, in-house immigration managers, and other corporate decision-makers turn to ABIL lawyers for outstanding legal skills and services. ABIL's work also includes advocating for enlightened immigration reform, providing speakers and media sources, presenting conferences, publishing books and articles on cutting-edge immigration topics, and sharing best practices, all with the ultimate goal of offering value-added services to business immigration clients.

The Alliance of Business Immigration Lawyers' website is at <http://www.abil.com/>. ABIL is also on Twitter: @ABILImmigration.

Disclaimer/Reminder

This e-mail does not constitute direct legal advice and is for informational purposes only. The information provided should never replace informed counsel when specific immigration-related guidance is needed.

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