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Headlines:

Regulatory Agenda Includes Stripping Employment Eligibility From H-4 Spouses of H-1B Visa Holders, Other Actions – The agenda also includes a proposal to revise the definition of "specialty occupation" to "increase focus on obtaining the best and the brightest" foreign nationals via the H-1B program, revise the definition of "employment" and "employer-employee relationship" to "better protect U.S. workers and wages," and add requirements to "ensure employers pay appropriate wages to H-1B visa holders."

USCIS Accelerates Transition to Digital Immigration Processing, Announces I-539 Online Filing – As a first step, certain visitors for business, visitors for pleasure, and vocational students can now file Form I-539, Application to Extend/Change Nonimmigrant Status, online. Additional visa classifications are coming soon.

Texas Service Center to Begin Accepting Certain H-1B Petitions – The Texas Service Center has begun processing certain H-1B cap-exempt petitions requesting a change in previously approved employment or employer, concurrent employment, change of status to H-1B, and others.

USCIS Director Cissna Out Effective June 1 – According to reports, Ken Cuccinelli, former Virginia Attorney General, is at the top of the list of possible replacements.

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Regulatory Agenda Includes Stripping Employment Eligibility From H-4 Spouses of H-1B Visa Holders, Other Actions

The Trump administration recently announced its spring 2019 regulatory agenda.

On the list for the Department of Homeland Security are proposals (not final yet), among others, to:

- Revise the definition of "specialty occupation" to "increase focus on obtaining the best and the brightest" foreign nationals via the H-1B program, revise the definition of "employment" and "employer-employee relationship" to "better protect U.S. workers and wages," and add requirements to "ensure employers pay appropriate wages to H-1B visa holders"
- Increase monitoring and oversight of the EB-5 program and encourage investment in rural areas, including soliciting feedback on proposals for redefining components of the job creation requirement and defining conditions for regional center designations and operations
- Remove employment eligibility for H-4 spouses of H-1B workers
- Withdraw a regulatory provision stating that U.S. Citizenship and Immigration Services must grant or deny an asylum applicant's application for employment authorization within 30 days
- "Promote greater accountability in the application process for requesting employment authorization and...deter the fraudulent filing of asylum applications for the purpose of obtaining Employment Authorization Documents"
- Raise fees for the Student and Exchange Visitor Program

Details: Announcement, <https://www.reginfo.gov/public/do/eAgendaMain>; Department of Homeland Security list, <https://bit.ly/2C3E1nU>; Department of State list, <https://bit.ly/2YOBwfs>

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USCIS Accelerates Transition to Digital Immigration Processing, Announces I-539 Online Filing

On May 22, 2019, U.S. Citizenship and Immigration Services (USCIS) announced a new strategy, eProcessing, to accelerate USCIS's transition to a "digital business model." USCIS said eProcessing "will be a complete digital experience, from applying for a benefit, to communicating with USCIS, through receiving a decision on a case."

- As a first step, certain visitors for business, visitors for pleasure, and vocational students can now file Form I-539, Application to Extend/Change Nonimmigrant Status, online. Additional visa classifications are coming soon, USCIS said.
- Included are single applicants (without co-applicants or legal/accredited representation) wishing to extend their stay who hold status as B-1 temporary visitors for business, B-2 temporary visitors for pleasure, F-1 academic students with a specific status expiration date, F-2 spouses or children of academic students with a specific expiration date, M-1 vocational students, and M-2 spouses or children of M-1 students.

Details: USCIS announcement re eProcessing, <https://www.uscis.gov/news/news-releases/uscis-accelerates-transition-digital-immigration-processing-0>; online I-539 filing, <https://www.uscis.gov/i539online>; USCIS announcement re I-539 online filing, <https://www.uscis.gov/news/alerts/certain-nonimmigrants-can-now-file-form-i-539-online>

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Texas Service Center Is Accepting Certain H-1B Petitions

As of May 20, 2019, the Texas Service Center has begun processing certain H-1B cap-exempt petitions requesting a change in employer or previously approved employment, concurrent employment, change of status to H-1B, and others.

USCIS said this does not include H-1B petitions for cap-exempt entities.

The Texas Service Center will share this workload with the California Service Center, Vermont Service Center, and Nebraska Service Center. Starting July 19, 2019, USCIS may reject any of these petitions that are filed at the wrong service center.

Details: USCIS announcement, <https://www.uscis.gov/news/alerts/texas-service-center-begin-accepting-form-i-129-certain-h-1b-petitions>; direct filing addresses for the I-129, <https://www.uscis.gov/i-129-addresses>

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USCIS Director Cissna Out Effective June 1

On May 26, 2019, L. Francis Cissna, Director of U.S. Citizenship and Immigration Services (USCIS) since October 2017, submitted his resignation "at the request of the President," effective June 1, 2019. In an email, Mr. Cissna thanked USCIS staff and said, "As an immigration law and policy professional dedicated to the rule of law like so many of you, I appreciate that this opportunity to serve was a unique experience."

The move follows the ouster of other Department of Homeland Security (DHS) officials last month, including DHS Secretary Kirstjen Nielsen and Secret Service Director Randolph "Tex" Alles. A replacement for Mr. Cissna has not yet been announced. According to reports, Ken Cuccinelli, former Virginia Attorney General, is at the top of the list, and the move is part of a White House effort to go in a "tougher direction."

Details: News reports, <https://wapo.st/2VUj5Vv>; <https://www.cnn.com/2019/05/24/politics/l-francis-cissna-citizenship-and-immigration-services/index.html>; <https://www.vox.com/2019/4/10/18302221/trump-immigration-miller-asylum-dhs-fire-separate>

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New Publications and Items of Interest

The Migration Policy Institute released several new publications in May 2019:

- The Evolution of the Australian System for Selecting Economic Immigrants, <https://www.migrationpolicy.org/research/evolution-australian-system-selecting-economic-immigrants>
- Immigration-Related Policy Changes in the First Two Years of the Trump Administration, <https://www.migrationpolicy.org/research/immigration-policy-changes-two-years-trump-administration>
- Noncitizens in the U.S. Military: Navigating National Security Concerns and Recruitment Needs, <https://www.migrationpolicy.org/research/noncitizens-us-military-national-security-concerns-recruitment-needs>
- A Profile of Highly Skilled Mexican Immigrants in Texas and the United States, <https://www.migrationpolicy.org/research/highly-skilled-mexican-immigrants-texas-united-states>

Immigrant and Employee Rights webinars. The Department of Justice's Immigrant and Employee Rights Section is offering free webinars to the public. The webinars are for workers, employers, and advocates. For more information or to register, see

<https://www.justice.gov/crt/webinars>.

Alliance of Business Immigration Lawyers:

- ABIL is available on Twitter: @ABILImmigration.
- Recent ABIL member blogs are at <http://www.abilblog.com/>.

Organizations seeking non-lawyer and lawyer volunteers. Cornell Law School has compiled a list of organizations seeking non-lawyer and lawyer volunteers to help migrants in U.S. detention and deportation proceedings. The list, which is updated on an ongoing basis, is at <http://www.lawschool.cornell.edu/MigrationandHumanRightsProgram/Organizations-seeking-non-lawyer-and-lawyer-volunteers.cfm>.

Nation of immigrants. Podcasts on U.S. immigration history and what it means to be an immigrant in America:

- Statutes of Liberty: <http://bit.ly/2thMM9O> (new episodes: A Prescription for Success: EB-1 for Physicians, <https://bit.ly/2J7oSjV>; The Best, Brightest, and Backlogged, discusses the backlog, who it affects, how to read the Visa Bulletin, and strategies for EB-1 visas, <https://bit.ly/2E6vamz>)
- Code Switch Podcast: What Does It Mean To Be A 'Nation of Immigrants'?:
<http://n.pr/2FeWWg4>
- Hidden Brain: The Huddled Masses and the Myth of America: <http://n.pr/2Fbo9kC>
- American Pendulum I: <http://bit.ly/2FbYKY3>

Advisories and tips:

- Community Advisory: Social Media, Criminalization, and Immigration has been published by the National Lawyers Guild's National Immigration Project. This advisory summarizes ways in which immigration agents may use social media against those in removal proceedings or involved in criminal cases. The advisory is at https://www.nationalimmigrationproject.org/PDFs/community/2017_03Apr_comm-adv-social.pdf.
- How to safeguard your data from searches at the border is the topic of several recent articles and blogs. See, for example, <https://www.nytimes.com/2017/03/21/technology/personaltech/crossing-the-border-heres-how-to-safeguard-your-data-from-searches.html> and <https://www.aclu.org/blog/free-future/can-border-agents-search-your-electronic-devices-its-complicated>.
- Listings and links to cases challenging executive orders, and related available pleadings, are available at <https://lawfareblog.com/litigation-documents-resources-related-trump-executive-order-immigration>.

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ABIL Member/Firm News

Laura Devine Solicitors won several awards recently:

- Immigration Law Firm of the Year award by Citywealth Magic Circle Awards. Details: <https://www.citywealthmag.com/awards/magic-circle-awards/results-new>
- Corporate Immigration Lawyer of the Year (Laura Devine, bio: <http://www.abil.com/lawyers/lawyers-devine.cfm?c=UK>) by Who's Who Legal. Details: <https://whoswholegal.com/profiles/20550/0/devine/laura-devine/>
- Commendation for immigration by The Times Best Law Firms. Details: <https://bit.ly/2M6XtoV>

Klasko Immigration Law Partners, LLP, announced that a new installment in its blog series, "Strategies for Success Series: Analyzing AAO Decisions," is available now at <https://bit.ly/2K6Yk6K>. The first blog in the series was "Learning Opportunities: Strategies for

O-1 Success" (<https://bit.ly/2HrTWxn>); the third will be "To Extraordinary and Beyond," available soon.

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) and **Rebekah Kim** co-authored a new blog entry. "Questions Arising From Foreign Entity Changes After an L-1 Petition is Approved" is at <http://blog.cyrusmehta.com/2019/05/questions-arising-from-foreign-entity-changes-after-an-l-1-petition-is-approved.html>.

Rodrigu Tannus (bio: <http://www.abil.com/lawyers/lawyers-tannus.cfm?c=CO>) has authored several new articles in *Diario la Republica*:

- "Beneficios migratorios de acuerdos comerciales," <https://www.asuntoslegales.com.co/analisis/rodrigo-tannus-serrano-510256/beneficios-migratorios-de-acuerdos-comerciales-2841498>
- "Reforma migratoria en Colombia," <https://www.asuntoslegales.com.co/analisis/rodrigo-tannus-serrano-510256/reforma-migratoria-en-colombia-2844618>

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) co-authored a new policy brief, "Noncitizens in the U.S. Military: Navigating National Security Concerns and Recruitment Needs," published by the Migration Policy Institute (MPI). The report notes, among other things, that close to 8,000 noncitizens were in the active-duty U.S. Army in 2015, representing 1.6 percent of its enlisted force. The number of foreign-born service members is much higher, as it includes many who have gained U.S. citizenship since enlisting. Amid new Defense Department background check rules, thousands of noncitizens have been kept from going to basic training and beginning their military service. The report is at <https://www.migrationpolicy.org/research/noncitizens-us-military-national-security-concerns-recruitment-needs>. An MPI announcement about the report is at <https://www.migrationpolicy.org/research/noncitizens-us-military-national-security-concerns-recruitment-needs>. An MPI article on immigrant veterans in the United States is at <https://www.migrationpolicy.org/article/immigrant-veterans-united-states>.

Mr. Yale-Loehr was quoted by *Law360.com* in "Trump Proposal Threatens Safeguards for Migrant Kids." He noted that altering the decades-old *Flores* settlement agreement is one prong of Trump's immigration reform proposal that he need not rely on Congress to achieve, and that it could be implemented if the proposed regulation is finalized: "Depending on the language, the final rule could attempt to implement President Trump's efforts to deport immigrant children more quickly. The final rule will surely be challenged in court, however." The article is available by registering at <https://www.law360.com/immigration/articles/1161304/trump-proposal-threatens-safeguards-for-migrant-kids>.

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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, and 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 State Visa Bulletin: <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>

Visa application wait times for any post:
<https://travel.state.gov/content/visas/en/general/wait-times.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 370 member lawyers and their more than 800 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 email 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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