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Headlines:

Congress Averts Government Shutdown, Extends Immigration Programs to December – The immigration-related programs extended by the bill include E-Verify, EB-5 regional centers, EB-4 non-ministerial religious workers, and Conrad 30 for J-1 medical workers.

USCIS No Longer Requires 2 Photos With Naturalization Application – All Form N-400 (Application for Naturalization) applicants, except those who reside overseas, no longer need to submit two passport-style photographs.

DHS Extends TPS for Guinea, Liberia, Sierra Leone for 6 Months – DHS is extending TPS benefits for beneficiaries under the designations of Guinea, Liberia, and Sierra Leone for 6 months "for the purpose of orderly transition before the designations terminate," effective May 21, 2017.

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Congress Averts Government Shutdown, Extends Immigration Programs to December

On September 29, 2016, President Barack Obama signed a continuing resolution (CR), H.R. 5325, that provides funding for the federal government through December 9, 2016. Among other things, the legislation extends four expiring immigration programs to December 9. The Senate passed the legislation 72-26 and the House of Representatives passed it 342-85. The CR allows Congress to return to work after the November 8 presidential election and take up an omnibus appropriations bill before the new deadline.

The immigration-related programs extended by the bill include E-Verify, EB-5 regional centers, EB-4 non-ministerial religious workers, and Conrad 30 for J-1 medical workers. EB-5 observers expect a battle between urban legislators like Sen. Chuck Schumer (D-NY), who wants to maintain the status quo, and rural legislators like Sens. Chuck Grassley (R-Iowa) and Patrick Leahy (D-Vt.), who are adamant about getting more EB-5 visas for rural projects.

U.S. Citizenship and Immigration Services (USCIS) said it would update the information related to the EB-5 and EB-4 programs on its adjustment of status filing charts from the October 2016 Department of State Visa Bulletin shortly. A related USCIS announcement is at

<https://www.uscis.gov/news/alerts/expiring-eb-4-eb-5-programs-extended-through-dec-9>. The Visa Bulletin information will be updated at <https://www.uscis.gov/visabulletininfo>.

The full text of the bill is at

<http://www.appropriations.senate.gov/imo/media/doc/Continuing%20Resolution%20Legislation.PDF>. A section-by-section summary is at

<http://www.appropriations.senate.gov/imo/media/doc/092216-CR-FY17-Section-By-Section.pdf>.

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USCIS No Longer Requires 2 Photos With Naturalization Application

U.S. Citizenship and Immigration Services (USCIS) informed its stakeholder list on September 22, 2016, that all Form N-400 (Application for Naturalization) applicants, except those who reside overseas, no longer need to submit two passport-style photographs. USCIS now captures photographs when applicants appear at the Application Support Center (ASC) for their biometrics appointment. Applicants will be scheduled for a biometric service appointment at a local ASC for collection of their fingerprints, photos, and signature, regardless of their age.

USCIS noted that formerly, the agency waived the fingerprint requirement for applicants 75 years of age or older, which meant they were not required to appear at an ASC. However, now that the N-400 is processed electronically, those applicants do need to appear at an ASC, USCIS said. Applicants 75 and older do not need to pay the biometrics fee. The agency also noted that improved technology allows fingerprints to be captured for applicants of all ages. USCIS said it can make special arrangements to accommodate the needs of applicants who are homebound or hospitalized, known as "homebound processing."

The agency said it will update the form's instructions, and the Policy Manual and Guide to Naturalization, as soon as possible.

More information on homebound processing is at <https://my.uscis.gov/helpcenter/article/what-is-homebound-processing>.

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DHS Extends TPS for Guinea, Liberia, Sierra Leone for 6 Months

The Department of Homeland Security (DHS) is extending temporary protected status (TPS) benefits for beneficiaries under the designations of Guinea, Liberia, and Sierra Leone for 6 months "for the purpose of orderly transition before the designations terminate," effective May 21, 2017. After reviewing country conditions and consulting with the appropriate U.S. government agencies, DHS determined that conditions in Guinea, Liberia, and Sierra Leone no longer support their TPS designations. DHS noted that the widespread transmission of Ebola virus in the three countries that led to the designations has ended.

To provide for an orderly transition, current TPS beneficiaries will automatically retain their TPS, and the validity of their current employment authorization documents will be extended through May 20, 2017. Beneficiaries do not need to pay a fee or file any application, including for work authorization, to retain their TPS benefits through that date.

Although TPS benefits will no longer be effective as of May 21, 2017, DHS noted that TPS beneficiaries will continue to hold any other immigration status that they have maintained or acquired while registered for TPS. DHS said it urges those who do not have another immigration status to use the time before the terminations become effective in May to prepare for and arrange their departures from the United States or to apply for other immigration benefits for which they may be eligible.

The DHS announcement is at <https://www.uscis.gov/news/news-releases/temporary-protected-status-benefits-under-designations-guinea-liberia-and-sierra-leone-extended-six-months-orderly-transition-termination-may-2017>. A French version is at <https://www.uscis.gov/news/news-releases/les-benefices-du-statut-temporaire-protege-sous-les-designations-de-la-guinee-du-liberia-et-de-la-sierra-leone-prolonges-de-six-mois-pour-une-sereine-transition-avant-leur-expiration-en-mai-2017>. The Federal Register notices were published on September 26, 2016, at <https://www.gpo.gov/fdsys/pkg/FR-2016-09-26/html/2016-23244.htm> (Guinea), <https://www.gpo.gov/fdsys/pkg/FR-2016-09-26/html/2016-23250.htm> (Liberia), and <https://www.gpo.gov/fdsys/pkg/FR-2016-09-26/html/2016-23249.htm> (Sierra Leone). Information about TPS is at <https://www.uscis.gov/humanitarian/temporary-protected-status>.

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New Publications and Items of Interest

The [Economic and Fiscal Consequences of Immigration](#), a new report by the National Academies Press, is available at https://www.nap.edu/catalog/23550/the-economic-and-fiscal-consequences-of-immigration?gclid=CNfx_cCGq88CFQgehgodngQGyQ. A free PDF is available via a link from that page by registration. A prepublication copy can also be read online via a link from the same page. Related articles are at http://www.nytimes.com/2016/09/22/us/immigrants-arent-taking-americans-jobs-new-study-finds.html?emc=eta1&_r=0 (*New York Times*) and <http://www.nationalreview.com/article/440334/> (*National Review*).

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

Klasko Immigration Law Partners, LLP, was named one of the 2016 Best Places to Work by the *Philadelphia Business Journal*. The contest was based on employee surveys. Klasko Immigration Law Partners has offices in Philadelphia, New York, and Chicago and provides top-tier legal services to individuals, multinational corporations, small companies, universities, and hospitals.

Charles Kuck (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>) and **Robert Loughran** (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) recently presented a webcast, "EB-5 Regional Center Pilot Program's Likely Renewal: What Your Firm Should Be Aware Of," organized by The Knowledge Group. The webcast was presented on September 27, 2016.

Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) was interviewed on September 21, 2016, by ABC affiliate KVUE regarding the new parole immigration status for entrepreneurs. The interview video is at <http://www.kvue.com/news/local/alternative-startup-visa-and-the-economy/323088122>.

Mr. Loughran, Foster LLP partner, presented "Foster's Point of View on the Consequences of the 2016 Election" at Foster LLP's Fall Immigration Update Seminar in Austin, Texas, held on September 22, 2016.

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) has authored a new blog entry. "Will the Disruption of the H-1B Lottery Force Change for the Better?" is at <http://blog.cyrusmehta.com/2016/09/will-the-disruption-of-the-h-1b-lottery-force-change-for-the-better.html>. Also, **David Isaacson**, of Mr. Mehta's office, has authored "Expansion of the Provisional Waiver: Good News But Could Be Better" at <http://blog.cyrusmehta.com/2016/09/expansion-of-the-provisional-waiver-good-news-but-could-be-better.html>.

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted in the *Cornell Daily Sun* on September 30, 2016, in "Law Professor Addresses Flaws, Evolution of U.S. Immigration Policy," an article discussing a talk he gave on the presidential candidates' views on immigration. Among other things, he assured the audience that whether Donald Trump or Hillary Clinton wins the presidency, "it takes time to make changes in our immigration system. You don't have to worry that these things are going to happen overnight. So don't worry, nothing is really going to happen in 2017." The article is at <http://cornellsun.com/2016/09/30/law-professor-addresses-flaws-evolution-of-u-s-immigration-policy/>.

Mr. Yale-Loehr was quoted in "EB-5 Temporary Extension Expected," published by *China Daily USA* on September 26, 2016. "The EB-5 program will survive a few more weeks thanks to its inclusion in the continuing resolution. The continuing resolution will give congressional lawmakers time to try to negotiate an EB-5 reform package," he noted. "Stay tuned for an epic battle between urban legislators like Senator Chuck Schumer (D-NY), who wants to maintain the status quo, and rural legislators like Senators Chuck Grassley (R-Iowa) and Patrick Leahy (D-Vt.), who are adamant about getting more EB-5 visas for rural projects." The article is at http://usa.chinadaily.com.cn/epaper/2016-09/26/content_26896796.htm.

Mr. Yale-Loehr was quoted by the Associated Press in a follow-up article about labor rights that are lacking for about 700 foreign workers in Hawaii. Various news outlets picked up the story, including *ABC News*. "Fishermen Who Fled Slavery in San Francisco Sue Boat Owner," published on September 22, 2016, notes that the Hawaii Longline Association, representing fishing boat owners, has created a universal crew contract that will be required on any boat wanting to sell fish in California's seafood auction starting October 1. The contracts let owners continue to set their own minimum salaries, allow workers to spend the entire year at sea (15 trips, 10 to 40 days each), and reiterate that they must remain on board with passports held by owners. Mr. Yale-Loehr said the new contract "reinforces the current deplorable situation by emphasizing that the crew members have no real rights. Congress should repeal the loophole that exempts U.S. fishing captains from having to provide basic labor protections to their crew." The article is at <http://abcnews.go.com/International/wireStory/fishermen-fled-slavery-san-francisco-sue-boat-owner-42285941>.

Mr. Yale-Loehr was quoted in "Examining Goodlatte's EB-5 Bill, As Deadline Looms," published by *Law360* on September 19, 2016. He said, "I think that there is serious concern about the EB-5 program, and people want to make reforms. But I think that people realize that it's too much to expect that Congress can make those reforms by September 30." The article is available by registering at <https://www.law360.com/articles/840663/examining-goodlatte-s-eb-5-bill-as-deadline-looms>.

Mr. Yale-Loehr was quoted in "Congress Eyes EB-5 Changes," published by *China Daily USA* on September 15, 2016. He noted that the retroactivity provision of an EB-5 bill being considered in Congress would likely raise legal concerns. "The US Supreme Court has held that Congress should not normally change the rules in the middle of the game. Fundamental notions of fairness counsel against applying new rules to conduct that predates the legislation, since

individuals should have an opportunity to know what the law is and to conform their conduct accordingly. The retroactivity provision would surely be challenged in court," said Mr. Yale-Loehr. He said that he believes most current investors who have already filed EB-5 petitions would attempt to comply with whatever new rules Congress enacts. But if the changes ever became law, they "would certainly dampen enthusiasm for the EB-5 program. That would be unfortunate since the program creates thousands of jobs each year for U.S. workers at no expense to American taxpayers." The article is at http://usa.chinadaily.com.cn/epaper/2016-09/15/content_26803100.htm.

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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

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