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Headlines:

Sen. Paul Blocks Bill to Eliminate Per-Country Cap on Employment-Based Green Cards – The "Fairness for High-Skilled Immigrants Act of 2019" (S. 386), a bill that would eliminate the 7 percent per-country cap (numerical limitation) on employment-based immigrants, among other things, was blocked in the Senate by Rand Paul (R-Ky.).

OMB Concludes Review of EB-5 Immigrant Investor Program 'Modernization' Regulation – It is unclear when the regulation will be published or what, if any, changes have been made since the proposed rule was released in January 2017.

U.S. Recognizes Extension of Venezuelan Passport Validity – The Department of State released a statement recognizing an extension of Venezuelan passport validity for an additional five years past the printed date of expiration, for visa issuance and other consular purposes.

Trump Administration Imposes Hefty Fines on Immigrant Overstays – ICE has begun sending out notices of fines of up to hundreds of thousands of dollars to immigrants in the United States without authorization for violations including "failing to depart the U.S. as previously agreed."

ABIL Global: Australia – Australia has implemented the Temporary Skill Shortage (TSS) and employer nomination sponsored visas. While certain transitional arrangements remain, the old Subclass 457 Visa has been replaced by the TSS Visa (Subclass 482).

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Sen. Paul Blocks Bill to Eliminate Per-Country Cap on Employment-Based Green Cards

The "Fairness for High-Skilled Immigrants Act of 2019" (S. 386), a bill that would eliminate the 7 percent per-country cap (numerical limitation) on employment-based immigrants, among other things, was blocked in the Senate by Rand Paul (R-Ky.), who wants to amend the bill with an accommodation for EB-3 nurses. The legislation is expected to benefit primarily Indian and Chinese workers, who constitute the largest proportion of foreign H-1B skilled workers waiting for years in the green card backlog.

Other recent developments included the addition of provisions strengthening H-1B specialty occupation enforcement by Sens. Mike Lee (R-Utah) and Charles Grassley (R-Iowa). As of press time, S. 386 had 34 bipartisan co-sponsors; the House version, H.R. 1044, which does not include the H-1B provisions, had 311.

Details: Senate version of the bill, <http://src.bna.com/JDP>; Text and history of the House version, <https://www.govtrack.us/congress/bills/116/hr1044>; news reports, <https://news.bloomberglaw.com/daily-labor-report/green-card-cap-legislation-remains-blocked-despite-h-1b-deal>, <https://www.deseretnews.com/article/900077471/mike-lee-kamala-harris-rand-paul-immigration-reform-bill-blocked.html>

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OMB Concludes Review of EB-5 Immigrant Investor Program 'Modernization' Regulation

The Office of Management and Budget (OMB) announced on June 27, 2019, that it has completed its review of the "EB-5 Immigrant Investor Program Modernization" regulation. It is unclear when the regulation will be published or what, if any, changes have been made since the proposed rule was released in January 2017.

The January 2017 version proposed several major revisions to the EB-5 program regulations, such as priority date retention for certain EB-5 petitioners for use in connection with any subsequent EB-5 immigrant petition; increasing the standard minimum investment amount for all new EB-5 petitioners from \$1 million to \$1.8 million, and increasing the minimum investment amount for investors in targeted employment areas (TEAs) from \$500,000 to \$1.35 million; making changes to the TEA designation process; and revising the process for removing conditions on permanent residence.

Details: 2017 proposed rule, <https://www.federalregister.gov/documents/2017/01/13/2017-00447/eb-5-immigrant-investor-program-modernization>; 2017 comments from IIUSA: Invest in the USA, <https://iiusa.org/blog/wp-content/uploads/2017/04/IIUSA-Comment-to-NPRM-final2-1.pdf>

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U.S. Recognizes Extension of Venezuelan Passport Validity

The Department of State (DOS) released a statement recognizing an extension of Venezuelan passport validity for an additional five years past the printed date of expiration, for visa issuance and other consular purposes.

DOS noted that U.S. Customs and the Border Patrol will likewise recognize the passports covered by a decree signed by Venezuelan Interim President Juan Guaido on May 21, 2019, and published by the National Assembly.

Details: DOS statement, <https://www.state.gov/the-united-states-supports-extension-of-validity-for-venezuelan-passports/>

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Trump Administration Imposes Hefty Fines on Immigrant Overstays

According to reports, U.S. Immigration and Customs Enforcement (ICE) has begun sending out notices of fines of up to hundreds of thousands of dollars to immigrants in the United States without authorization for violations including "failing to depart the U.S. as previously agreed."

The notices follow an executive order issued on January 25, 2017, "Enhancing Public Safety in the Interior of the United States," which calls for, among other things, "the assessment and collection of all fines and penalties that the Secretary is authorized under the law to assess and collect from aliens unlawfully present in the United States and from those who facilitate their presence in the United States."

Details: Executive Order, <https://www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/>; news reports, <https://www.npr.org/2019/07/02/738059913/trump-administration-sends-out-notices-of-500-000-fines-for-those-in-u-s-illegal>, <https://www.usnews.com/news/national-news/articles/2019-07-02/report-trump-administration-notifies-immigrants-of-500-000-fines>, <https://wapo.st/2XNIntm>

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ABIL Global: Australia

Australia has implemented the Temporary Skill Shortage (TSS) and employer nomination sponsored visas. While certain transitional arrangements remain, the old Subclass 457 Visa has been replaced by the TSS Visa (Subclass 482).

As with the previous 457 process, the TSS Visa consists of three separate applications: (1) the application by the employer to be approved as a sponsor; (2) the nomination; and (3) the visa application. To sponsor an employee, the employer must be approved as a Standard Business Sponsor. Sponsorship approvals may be valid for five years. In certain circumstances, a sponsor may seek accreditation, which may enable future nominations and visas for that accredited sponsor to be expedited.

Central to the nomination application is the establishment of two separate lists of approved occupations: the Short-Term Skills Occupation List (STSOL) and the Medium and Long-Term Strategic Skills List (MLTSSL). Visas granted relating to nominations of occupations on the STSOL are granted for a two-year period. After that period, a further and final period of two years may be sought. Where international trade obligations apply, a four-year visa may be granted. Visa applications granted relating to nominations for occupations on the MLTSSL may be approved for a four-year period.

Only the holders of TSS visas relating to MLTSSL occupations are entitled to be nominated for an Employer Nomination Subclass 186 Permanent Visa. As one would expect, this provision has caused substantial angst. Certain revisions of the lists have already taken place and occupations previously on the STSOL have been removed and inserted into the MLTSSL following criticism.

Details: Australian Department of Home Affairs, Temporary Skill Shortage Visa (under development): <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-skill-shortage-482>

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New Publications and Items of Interest

Responding to large-scale immigration raids. The Immigration Justice Campaign and the American Immigration Lawyers Association have released information on what to do in the event of large-scale interior enforcement actions. See

<https://www.immigrationjustice.us/volunteeropportunities/raids-preparation-teams> and <https://www.aila.org/advo-media/issues/all/featured-issue-2019-large-scale-enforcement>.

CBP accountability. A new website documents litigation across the United States in an effort to establish U.S. Customs and Border Protection (CBP) accountability and transparency. The website, which also directs readers to additional resources, is a joint project of the American Civil Liberties Union of San Diego and Imperial Counties, the American Immigration Council, the National Immigration Project of the National Lawyers Guild, and the Northwest Immigrant Rights Project. See <https://holdcbpaccountable.org/>.

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 providing help at the southern border and seeking non-lawyer and lawyer volunteers. Cornell Law School's Migration and Human Rights Program has compiled a list of organizations providing help at the southern border, and seeking donations and 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

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted by *City & State New York* in "Where Are New York's Sanctuary Cities?" Mr. Yale-Loehr noted that "[s]anctuary' means different things to different people. And it is not a legal term." The article is at <https://www.cityandstateny.com/articles/politics/new-york-state/where-are-new-yorks-sanctuary-cities.html>.

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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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