



## Business Immigration Reporter

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### Visa Programs Affected By Potential Government Shutdown:

As it has done so many times in the past, Congress passed a stop-gap measure which continues funding the government at current levels. The resolution reauthorized three visa programs and the E-Verify Program for the same time period. The visa programs are:

**The Eb-5 Program**, which provides permanent resident status to foreign national investors who invest one million dollars, or \$500,000.00 in a rural or high-unemployment area, and create at least ten full-time jobs. Currently there are various Eb-5 bills pending, ranging from reauthorizing it for five years to making it permanent.

**The Conrad 30 Program**, which allows certain foreign national physicians who trained in the United States to obtain a waiver of the two-year foreign residence requirement if they commit themselves to work in medically, underserved areas for at least three years. A pending bipartisan bill is pending and could make the program permanent.

**Special Immigrant Non-Minister Religious Worker Program**, which allows lay religious workers and non-ministers come to the U.S. permanently. Here too, there is a bipartisan bill which would make the program permanent without any changes.

### L-1 and H-1b Additional Fee Expiration:

Public Law 111-230 required an additional fee of \$2,000.00 for certain H-1b petitions and \$2,500.00 for certain L-1A and L-1B petitions. The law sunset on September 30, 2015.

Accordingly, H and L petitions filed after 9/30/2015 should not include the above mentioned fees as previously required. But, all other fees, such as the USCIS filing fee, premium processing fee, fraud prevention and



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detection fee, and American Competitiveness and Workforce Improvement Act (ACWIA) fee when applicable, are still required

### **I-140 and I-485 Workload Transfers and Certain I-140 Filing Location**

#### **Changes:**

In an effort to improve processing efficiency, USCIS has recently rebalanced the workload distribution of certain Form I-140 petitions and employment based Form I-485 applications between the Texas Service Center and the Nebraska Service Center.

The changes become effective October 19, 2015. For detailed mailing instructions please visit the USCIS web page here

<http://www.uscis.gov/news/i-140-i-485-workload-transfers-and-change-direct-filing-address-certain-form-i-140-petitions-submitted-together-form-i-907-request-premium-processing>.

#### **Worksite Enforcement:**

Immigration & Customs Enforcement (ICE) reports a Wichita KS restaurant owner pleaded guilty in federal court for hiring unauthorized workers. Based on a plea agreement, the court imposed a fine of \$50,000.00.

According to ICE, it conducted an I-9 audit at the two Twin Peaks restaurant locations in Wichita and identified more than 20 unauthorized kitchen personnel. Although a Twin Peaks manager agreed to terminate the employment of the staff in question, Homeland Security Investigations (HSI), uncovered several months later that many of the same employees had been rehired.

#### **November 2015 Visa Bulletin:**

The November Visa Bulletin is the second bulletin of Fiscal Year 2016. Typically, visa numbers tend to advance further during the first half of the year because a fresh allotment of visa numbers has become available. As the year winds down, visa number allotments become exhausted and categories advance slowly, not at all, and sometimes retrogress.

Last month I posted important changes to the Visa Bulletin relating to applications for adjustment of status. Because of the importance of these changes I am reposting same this month:

When the President announced immigration executive action in November 2014, the focus was mostly on legalizing millions of undocumented immigrants and most paid little or no attention to the remainder of the

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announcement, which included “modernizing and streamlining our legal immigration system for the 21st century.”

One of these goals is now coming to fruition with the beginning of fiscal year 2016, on October 1, 2015. Specifically, Immigration and Citizenship Services (USCIS) in collaboration with the Department of State (DOS) is revising the procedures for determining visa availability for applicants who are subject to visa quota numbers, when they can file for their adjustment of status application when becoming permanent residents. This will apply to both family and employment based immigrant applicants.

Starting with October 2015, the DOS Visa Bulletin will post two rather than one chart per visa preference category:

- Application Final Action Dates (dates when immigrant visas – green cards – may finally be issued); and
- Dates for Filing Applications (earliest dates when applicants may apply for adjustment of status)

This will allow thousands of applicants, whose priority dates are not current, apply for adjustment of status beginning October 1, 2015. An application for adjustment of status will yield employment authorization and in appropriate cases international travel authorization.

You can find the November 2015 Visa Bulletin here and see for yourself that some categories have advanced by years with respect to the filing of adjustment of status applications.

<http://travel.state.gov/content/visas/en/law-and-policy/bulletin/2016/visa-bulletin-for-november-2015.html>.

There is no question that this streamlining measure will greatly benefit and assist petitioner employers and beneficiary employees make plans for the future.

This is a very important processing change in our immigration laws. Contact your immigration attorney for guidance and opinion how this will impact your business.

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