

News & Types: Immigration Update

Business Immigration Weekly for the Week of October 13, 2014

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DOS FORECASTS ON AVAILABILITY OF IMMIGRANT VISAS

The Department of State's (DOS) Chief of the Visa Control and Reporting Division, Charlie Oppenheim, recently shared extensive information on the future availability of immigrant visas (green cards). The DOS is the government agency that controls and tracks the annual quotas on the issuance of green cards. Each month the DOS issues the Visa Bulletin which outlines the availability of green cards for that month. A summary of Mr. Oppenheim's comments is listed below:

- EB-1 will remain current
- EB-2 World category will remain current
- EB-2 China will advance three to five weeks every month
- EB-2 India will show no further advancement after November. Individuals with priority dates on or before May 1, 2009 should try to get their adjustment of status applications filed in October.
- EB-3 China will remain a few months ahead of EB-2 China to spur demand in the EB-3 category. After a few months, the EB-3 category will require a correction and will be cut off.
- EB-3 India will continue to advance slowly at one to two weeks per month.
- EB-3 Mexico will advance with the EB-3 World category
- EB-3 Philippines may require a correction at a later point in the fiscal year if there is too much demand
- EB-5 China remains current through November, however as previously predicted, this category may be cut off as early as May 2015

Please note that month-to-month availability of immigrant visas varies and depends on many factors. These forecasts do not guarantee future availability.

Additional information about the movement of the employment-based immigrant visa priority dates will be contained in our firm's future Immigration Updates when it becomes available.

TEMPORARY PROTECTED STATUS EXTENDED FOR HONDURAS AND NICARAGUA

The Department of Homeland Security (DHS) announced this week that it has extended the Temporary Protected Status (TPS) designation for Honduras and Nicaragua from January 6, 2015 to July 5, 2016. The extension will enable individuals who are already covered by TPS to retain this protection as long as they continue to qualify. Eligible individuals will have to re-register for TPS from October 16, 2014 to December 15, 2014 and apply for a new employment authorization document (EAD) which will extend their employment authorization through July 5, 2016. Individuals can find more information, including the applications for TPS at:

Honduras: <http://www.uscis.gov/humanitarian/temporary-protected-status-deferred-enforced-departure/tps-designated-country-honduras/temporary-protected-status-designated-country-honduras>

Nicaragua: <http://www.uscis.gov/humanitarian/temporary-protected-status-deferred-enforced-departure/tps-designated-country-nicaragua/temporary-protected-status-designated-country-nicaragua>

DHS is automatically extending the employment authorization for eligible individuals for six months, until January 5, 2015, in order to allow them to apply and receive their new employment authorization documents. A copy of the Federal Register Notice granting this automatic extension of employment authorization is sufficient documentation for Form I-9, Employment Eligibility Verification, purposes. The copy of the Notice can be found at:

-Honduras: <http://www.gpo.gov/fdsys/pkg/FR-2014-10-16/html/2014-24559.htm>

-Nicaragua: <http://www.gpo.gov/fdsys/pkg/FR-2014-10-16/html/2014-24560.htm>

Employers should re-verify the employment authorization of these individuals prior to January 5, 2015. At that point, the individuals must provide a valid employment authorization document in order to continue to demonstrate their ability to continue working in the United States.

The DHS designates a country for TPS when conditions in the country are dangerous. This may be due to armed conflict, environmental disasters or other temporary events. TPS provides certain protections to nationals of the designated country such as protection from removal from the United States, eligibility for an

employment authorization document and travel authorization. TPS is not a path to US lawful permanent residence. The following countries are currently designated by the DHS for TPS: El Salvador, Haiti, Honduras, Nicaragua, Somalia, Sudan, South Sudan and Syria.