

Business Immigration Weekly for March 11, 2015

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Practices: Immigration

APRIL 2015 VISA BULLETIN UPDATE

The Department of State (DOS) released its April 2015 Visa Bulletin which shows the availability of employment-based immigrant visa categories for the month of April. Below is a summary of the bulletin highlights:

- The EB-2 India category continues to see advancement from January 1, 2007 to September 1, 2007.
- The EB-2 China category has also advanced significantly from September 1, 2010 to April 1, 2011.
- The EB-3 India category advances only a few days from January 1, 2004 to January 8, 2004.
- The EB-3 World, Mexico and Philippines categories continue to be aggressively advanced from June 1, 2014 to October 1, 2014.
- The EB-3 China category retrogressed from October 22, 2011 to January 1, 2011.

COMPARISON TO PRIOR MONTHS

The following is a comparison of priority date movement since the inception of the current retrogression in 2007:

	Dec 2007	Jun 2008	Aug 2009	Sept 2012	Jan 2015	Mar 2015	Apr 2015
EB-3 World	09/01/02	03/01/06	U	10/01/06	06/01/13	06/01/14	10/01/14
EB-2 China	01/01/03	04/01/04	10/01/03	U	02/01/10	09/01/10	04/01/11
EB-3 China	10/15/01	03/22/03	U	12/15/05	03/01/11	10/22/11	01/01/11
EB-2 India	01/01/02	04/01/04	10/01/03	U	02/15/05	01/07/07	09/01/07
EB-3 India	05/01/01	11/01/01	U	10/08/02	12/15/03	01/01/04	01/08/04
EB-3 Other Workers	10/01/01	01/01/03	U	10/01/06	06/01/13	06/01/14	10/01/14

UPDATE ON EXPANDED DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) AND DEFERRED ACTION FOR PARENTS OF AMERICANS AND LAWFUL PERMANENT RESIDENTS (DAPA)

The fate of two programs that were part of President Obama's executive action on immigration that he announced last year continues to be uncertain. In November 2014, President Obama announced a series of executive actions on immigration, one of which was the expansion of the Deferred Action for Childhood Arrivals (DACA) program and the implementation of a new program called Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). In December 2014, 26 states filed a lawsuit in the Southern District of Texas arguing that by issuing these directives, the President had violated the Administrative Procedures Act and had overstepped his power. The court issued a preliminary injunction blocking the implementation of both programs until the case could be decided. The U.S. Department of Justice is appealing the injunction which will be decided by the U.S. Court of Appeals for the Fifth Circuit in New Orleans in April 2015.

The first program, expanded DACA, was set to be implemented in February 2015 when the US Citizenship and Immigration Services (USCIS) was to begin accepting applications. This expanded DACA would remove the age restriction from the original DACA program that was implemented in 2012 and allow undocumented individuals who have been continuously residing in the United States since January 1, 2010 to receive protection from removal and permission to apply for employment authorization. The original DACA program, among other requirements, contains an age restriction that the individual must have been under 31 years old as of June 15, 2012. The DAPA program was set to be implemented six months after the President's announcement and would grant the same benefits as the original DACA program, namely, protection from removal and the ability to apply for employment authorization to undocumented parents of U.S. citizens and Lawful Permanent Residents. The receipt of an employment authorization document has numerous benefits, such as the ability to obtain a social security card and potentially a driver's license or state identification, depending on the state of residence. The original DACA program that was implemented in 2012 remains in effect and those that are eligible can continue to renew this benefit.