



## MID-JULY 2016 IMMIGRATION UPDATE

*Posted on July 19, 2016 by Cyrus Mehta*

### Headlines:

1. [Various Categories Oversubscribed for August, State Dept. Reports](#) – High demand in various employment-based visa categories has required the establishment of cut-off dates in August.
2. [USCIS Has Returned Unselected FY 2017 H-1B Cap-Subject Petitions](#) – Those who submitted an H-1B cap-subject petition between April 1 and April 7, 2016, and do not receive a receipt notice or a returned petition by July 22, 2016, may contact USCIS.
3. [DHS Extends Designation of El Salvador for Temporary Protected Status for 18 Months](#) – The extension runs through March 9, 2018.
4. [USCIS Launches 'Refresh' of InfoPass Appointment Scheduler](#) – New features include a mapping function that USCIS said makes it easier to find a local office in the United States.
5. **Firm In the News...**

### **Details:**

#### **1. Various Categories Oversubscribed for August, State Dept. Reports**

The Department of State's Visa Bulletin for the month of August 2016 reports that various employment-based categories are oversubscribed:

India E4 and certain religious workers categories. The bulletin notes that there has been extremely high demand in the EB-4 and SR categories, primarily for Juvenile Court Dependent cases filed with U.S. Citizenship and Immigration Services (USCIS) for adjustment of status. This has now required the implementation of E4 and SR Application Final Action Dates for India, which has reached its per-country limit. The bulletin says that this action will allow the Department to hold worldwide number use within the maximum allowed

under the FY 2016 annual limits. The India EB-4 and SR dates will become Current for October.

The August bulletin reflects a *final action date* of January 1, 2010, for EB-4 visas for special immigrants from India. This means that starting on August 1, 2016, applicants from India who filed [Form I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant](#) on or after January 1, 2010, will not be able to obtain an immigrant visa or adjust status until new visa numbers become available.

The July bulletin previously noted that the establishment of the EB-4 preference Final Action Date of January 1, 2010, "does not mean that applicants are now subject to a wait in excess of six years. That Final Action Date is intended only to stop any further use of numbers by applicants from those countries."

China and India EB-1 categories. The continued high level of demand for EB-1 visa numbers for USCIS adjustment of status applicants has required the establishment of a cut-off date for August, the bulletin states. This has been done in an attempt to hold number use within the Worldwide EB-1 annual limit. The EB-1 date for these two countries will once again become Current for October, the first month of fiscal year 2017, the bulletin notes.

Worldwide, El Salvador, Guatemala, Honduras, Mexico, and Philippines E2 categories. Continued high demand for numbers for USCIS adjustment of status applicants has required the establishment of a date for August, the bulletin notes. This action has been required to hold number use within the Worldwide EB-2 annual limit. The date for these countries will once again become Current for October, the first month of fiscal year 2017.

The bulletin for August is at

<https://travel.state.gov/content/visas/en/law-and-policy/bulletin/2016/visa-bulletin-for-august-2016.html>. Additional details are available at <https://www.uscis.gov/news/alerts/employment-based-fourth-preference-eb-4-visa-limits-reached-special-immigrants-india>.

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## 2. USCIS Has Returned Unselected FY 2017 H-1B Cap-Subject Petitions

U.S. Citizenship and Immigration Services (USCIS) announced on July 8, 2016, that it has returned all FY 2017 H-1B cap-subject petitions that were not selected in the agency's computer-generated random selection process. USCIS

previously announced on May 2, 2016, that it had completed data entry of all selected cap-subject petitions.

Those who submitted an H-1B cap-subject petition between April 1 and April 7, 2016, and do not receive a receipt notice or a returned petition by July 22, 2016, may contact USCIS (see <https://www.uscis.gov/about-us/contact-us> for contact information). The current announcement is at

<https://www.uscis.gov/news/alerts/uscis-returns-unselected-fiscal-year-2017-h-1b-cap-subject-petitions>. The previous announcement about completing data entry is at

<https://www.uscis.gov/news/alerts/uscis-completes-data-entry-fiscal-year-2017-h-1b-cap-subject-petitions>.

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### **3. DHS Extends Designation of El Salvador for Temporary Protected Status for 18 Months**

The Department of Homeland Security (DHS) is extending the designation of El Salvador for temporary protected status (TPS) for 18 months, from September 10, 2016, through March 9, 2018. The 60-day re-registration period began July 8, 2016, and runs through September 6, 2016. DHS said it is important for re-registrants to timely re-register during the 60-day re-registration period and not to wait until their employment authorization documents (EADs) expire.

The extension allows currently eligible TPS beneficiaries to retain TPS through March 9, 2018, so long as they otherwise continue to meet the eligibility requirements for TPS, DHS said. The agency said an extension is warranted because the conditions in El Salvador supporting the TPS designation continue to be met: "There continues to be a substantial, but temporary, disruption of living conditions in El Salvador resulting from a series of earthquakes in 2001, and El Salvador remains unable, temporarily, to handle adequately the return of its nationals."

DHS also set forth procedures necessary for nationals of El Salvador (or those having no nationality who last habitually resided in El Salvador) to re-register for TPS and to apply for renewal of their EADs with U.S. Citizenship and Immigration Services (USCIS). Re-registration is limited to persons who have previously registered for TPS under the designation of El Salvador and whose applications have been granted.

Certain nationals of El Salvador (or those having no nationality who last habitually resided in El Salvador) who have not previously applied for TPS may be eligible to apply under the late initial registration provisions, if they meet: (1) at least one of the late initial filing criteria; and (2) all TPS eligibility criteria (including continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001).

USCIS will issue new EADs with a March 9, 2018, expiration date to eligible El Salvador TPS beneficiaries who timely re-register and apply for EADs under this extension. Given the time needed for processing TPS re-registration applications, DHS said it recognizes that not all re-registrants will receive new EADs before their current EADs expire on September 9, 2016. Accordingly, DHS has automatically extended the validity of EADs issued under the TPS designation of El Salvador for 6 months, through March 9, 2017. The notice explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and their impact on Employment Eligibility Verification (Form I-9) and the E-Verify processes.

The notice, which was published in 81 Fed. Reg. 44645-51 (July 8, 2016), is at <https://www.gpo.gov/fdsys/pkg/FR-2016-07-08/html/2016-15802.htm>. A related USCIS notice is at <https://www.uscis.gov/news/news-releases/temporary-protected-status-extended-el-salvador>.

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#### **4. USCIS Launches 'Refresh' of InfoPass Appointment Scheduler**

U.S. Citizenship and Immigration Services (USCIS) recently launched a "refresh" of InfoPass, an online system that allows users to schedule appointments at USCIS offices.

New features include a mapping function that USCIS said makes it easier to find a local office in the United States and a visual style that matches the rest of [uscis.gov](http://uscis.gov), as well as a new web address.

The announcement is at <https://www.uscis.gov/news/alerts/try-uscis-improved-infopass-appointment-scheduler>. InfoPass is at <https://my.uscis.gov/appointment>.

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## 5. Firm In The News

**Cyrus Mehta** was a Panelist on a panel entitled *Ethical Considerations in EB-5 Practice*, 2016 New York EB-5 & Investment Immigration Convention, Hosted by EB-5 Investors Magazine, New York, NY, July 17-18, 2016.

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