



OCTOBER 2016 IMMIGRATION UPDATE

Posted on October 4, 2016 by Cyrus Mehta

Headlines:

1. [**Congress Averts Government Shutdown, Extends Immigration Programs to December**](#) – The immigration-related programs extended by the bill include E-Verify, EB-5 regional centers, EB-4 non-ministerial religious workers, and Conrad 30 for J-1 medical workers.
2. [**USCIS No Longer Requires 2 Photos With Naturalization Application**](#) – All Form N-400 (Application for Naturalization) applicants, except those who reside overseas, no longer need to submit two passport-style photographs.
3. [**DHS Extends TPS for Guinea, Liberia, Sierra Leone for 6 Months**](#) – DHS is extending TPS benefits for beneficiaries under the designations of Guinea, Liberia, and Sierra Leone for 6 months "for the purpose of orderly transition before the designations terminate," effective May 21, 2017.
4. [**Firm in the News...**](#)

Details:

1. **Congress Averts Government Shutdown, Extends Immigration Programs to December**

On September 29, 2016, President Barack Obama signed a continuing resolution (CR), H.R. 5325, that provides funding for the federal government through December 9, 2016. Among other things, the legislation extends four expiring immigration programs to December 9. The Senate passed the legislation 72-26 and the House of Representatives passed it 342-85. The CR allows Congress to return to work after the November 8 presidential election and take up an omnibus appropriations bill before the new deadline.

The immigration-related programs extended by the bill include E-Verify, EB-5

regional centers, EB-4 non-ministerial religious workers, and Conrad 30 for J-1 medical workers. EB-5 observers expect a battle between urban legislators like Sen. Chuck Schumer (D-NY), who wants to maintain the status quo, and rural legislators like Sens. Chuck Grassley (R-Iowa) and Patrick Leahy (D-Vt.), who are adamant about getting more EB-5 visas for rural projects.

U.S. Citizenship and Immigration Services (USCIS) said it would update the information related to the EB-5 and EB-4 programs on its adjustment of status filing charts from the October 2016 Department of State Visa Bulletin shortly. A related USCIS announcement is at <https://www.uscis.gov/news/alerts/expiring-eb-4-eb-5-programs-extended-through-dec-9>. The Visa Bulletin information will be updated at <https://www.uscis.gov/visabulletininfo>.

The full text of the bill is at

<http://www.appropriations.senate.gov/imo/media/doc/Continuing%20Resolution%20Legislation.PDF>. A section-by-section summary is at <http://www.appropriations.senate.gov/imo/media/doc/092216-CR-FY17-Section-By-Section.pdf>.

[Back to Top](#)

2. USCIS No Longer Requires 2 Photos With Naturalization Application

U.S. Citizenship and Immigration Services (USCIS) informed its stakeholder list on September 22, 2016, that all Form N-400 (Application for Naturalization) applicants, except those who reside overseas, no longer need to submit two passport-style photographs. USCIS now captures photographs when applicants appear at the Application Support Center (ASC) for their biometrics appointment. Applicants will be scheduled for a biometric service appointment at a local ASC for collection of their fingerprints, photos, and signature, regardless of their age.

USCIS noted that formerly, the agency waived the fingerprint requirement for applicants 75 years of age or older, which meant they were not required to appear at an ASC. However, now that the N-400 is processed electronically, those applicants do need to appear at an ASC, USCIS said. Applicants 75 and older do not need to pay the biometrics fee. The agency also noted that improved technology allows fingerprints to be captured for applicants of all ages. USCIS said it can make special arrangements to accommodate the needs

of applicants who are homebound or hospitalized, known as "homebound processing."

The agency said it will update the form's instructions, and the Policy Manual and Guide to Naturalization, as soon as possible.

More information on homebound processing is at

<https://my.uscis.gov/helpcenter/article/what-is-homebound-processing>.

[Back to Top](#)

3. DHS Extends TPS for Guinea, Liberia, Sierra Leone for 6 Months

The Department of Homeland Security (DHS) is extending temporary protected status (TPS) benefits for beneficiaries under the designations of Guinea, Liberia, and Sierra Leone for 6 months "for the purpose of orderly transition before the designations terminate," effective May 21, 2017. After reviewing country conditions and consulting with the appropriate U.S. government agencies, DHS determined that conditions in Guinea, Liberia, and Sierra Leone no longer support their TPS designations. DHS noted that the widespread transmission of Ebola virus in the three countries that led to the designations has ended.

To provide for an orderly transition, current TPS beneficiaries will automatically retain their TPS, and the validity of their current employment authorization documents will be extended through May 20, 2017. Beneficiaries do not need to pay a fee or file any application, including for work authorization, to retain their TPS benefits through that date.

Although TPS benefits will no longer be effective as of May 21, 2017, DHS noted that TPS beneficiaries will continue to hold any other immigration status that they have maintained or acquired while registered for TPS. DHS said it urges those who do not have another immigration status to use the time before the terminations become effective in May to prepare for and arrange their departures from the United States or to apply for other immigration benefits for which they may be eligible.

The DHS announcement is at

<https://www.uscis.gov/news/news-releases/temporary-protected-status-benefits-under-designations-guinea-liberia-and-sierra-leone-extended-six-months-orderly-transition-termination-may-2017>. A French version is at

<https://www.uscis.gov/news/news-releases/les-benefices-du-statut-temporaire->

[protege-sous-les-designations-de-la-guinee-du-liberia-et-de-la-sierra-leone-prolonges-de-six-mois-pour-une-sereine-transition-avant-leur-expiration-en-mai-2017](#). The Federal Register notices were published on September 26, 2016, at <https://www.gpo.gov/fdsys/pkg/FR-2016-09-26/html/2016-23244.htm> (Guinea), <https://www.gpo.gov/fdsys/pkg/FR-2016-09-26/html/2016-23250.htm> (Liberia), and <https://www.gpo.gov/fdsys/pkg/FR-2016-09-26/html/2016-23249.htm> (Sierra Leone). Information about TPS is at <https://www.uscis.gov/humanitarian/temporary-protected-status>.

[Back to Top](#)

4. Firm In the News

Cyrus Mehta was a panelist at *The H-1B Workshop*, Bordering on the Brink: Cutting Edge Approaches for Business Immigration, 2016 AILA Fall Conference, Toronto, Canada, September 23, 2016.

Cyrus Mehta was a speaker at an ethics training entitled, *Ethics In Immigration Representation*, organized by the Immigrant Justice Corps Training, New York, NY, September 20, 2016.

[Back to Top](#)