



IMMIGRATION UPDATE - MAY 8, 2019

Posted on May 8, 2019 by Cyrus Mehta

Headlines:

SSA Resumes Issuing No-Match Letters – The Social Security Administration has resumed mailing notifications to employers identified as having at least one name and Social Security Number combination submitted on the wage and tax statement (Form W-2) that do not match SSA's records. A no-match letter is not necessarily an indication that a person is unauthorized to work in the United States.

USCIS and CBP Extend I-129 Pilot Program to Canadian L-1 Nonimmigrants – The pilot program allows Canadian citizens to request that USCIS adjudicate their employer's individual L-1 petition, or petition based on blanket L petition, before their arrival or when they arrive at the Blaine, Washington, port of entry.

Enforcement of Unlawful Presence Memo Targeting International Students Temporarily Blocked by Federal Judge – A federal judge issued a nationwide order requiring USCIS to temporarily suspend the enforcement of a policy under which F-1/M-1 students and J-1 exchange visitors would begin to accrue unlawful presence as soon as they violate the terms of their visa status.

USCIS Expands Fee Payment Changes to Additional Field Offices – The offices no longer accept payments in the form of a cashier's check or money order.

Global: Corporate Immigration for U.S. Citizens to Colombia – Colombia has been facilitating migration processes in recent years to encourage individuals from different countries to do business and make investments in Colombia. With the increase of foreigners, Colombia's Ministry of Foreign Affairs has created immigration statuses to allow them to stay and/or engage in various types of activities.

Firm in the News...

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SSA Resumes Issuing No-Match Letters

In March 2019, the Social Security Administration (SSA) resumed mailing notifications to employers identified as having at least one name and Social Security Number (SSN) combination submitted on the wage and tax statement (Form W-2) that do not match SSA's records. The purpose of the letter is to advise employers that corrections are needed.

A no-match letter is not necessarily an indication that a person is unauthorized to work in the United States. SSA noted that there are a number of reasons why reported names and SSNs may not agree with SSA's records, such as typographical errors, unreported name changes, and inaccurate or incomplete employer records.

Details: SSA information for employers,

<https://www.ssa.gov/employer/notices.html>; sample response forms,

<https://www.ssa.gov/employer/examplenotice.html>

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USCIS and CBP Extend I-129 Pilot Program to Canadian L-1 Nonimmigrants

U.S. Citizenship and Immigration Services (USCIS) and U.S. Customs and Border Protection (CBP) announced that they are extending the joint agency pilot program for Canadian citizens seeking L-1 visa status under the North American Free Trade Agreement (NAFTA) through April 30, 2020.

The pilot program allows Canadian citizens to request that USCIS adjudicate their employer's individual L-1 petition, or petition based on blanket L petition, before their arrival or when they arrive at the Blaine, Washington, port of entry.

Details: USCIS announcement,

<https://www.uscis.gov/news/alerts/uscis-and-cbp-extend-form-i-129-pilot-program-canadian-l-1-nonimmigrants-0>

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Enforcement of Unlawful Presence Memo Targeting International Students Temporarily Blocked by Federal Judge

On May 3, 2019, a federal judge issued a nationwide order requiring USCIS to temporarily suspend the enforcement of a policy under which F-1/M-1 students and J-1 exchange visitors would begin to accrue unlawful presence as soon as they violate the terms of their visa status.

Students who violate their visa status (and therefore are unlawfully present in the United States) for a certain period of time may trigger a 3- or 10-year entry bar when they leave the country.

For now, this order is encouraging news for affected students because they can rely on the prior USCIS policy of their accruing unlawful presence only after the agency or an immigration judge makes such a finding.

This order stems from a lawsuit brought by a number of universities/colleges, challenging that USCIS' policy memo is unlawful because, among other reasons, the agency did not go through the proper rulemaking process.

Details: Preliminary injunction issued by Federal District Court, http://www.nafsa.org/_file/_amresource/guilfordorders20190503.pdf; August 2018 USCIS unlawful presence memo, <https://bit.ly/2BBwGvJ>

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USCIS Expands Fee Payment Changes to Additional Field Offices

In recent months, U.S. Citizenship and Immigration Services (USCIS) has announced an expansion of fee payment changes to additional field offices. Those offices now only accept payments in the form of a personal check, attorney check, business check, debit card, credit card, or reloadable prepaid credit or debit card. The offices no longer accept payments in the form of a cashier's check or money order. USCIS said the changes are intended to "increase transaction security and reduce processing errors."

Details: USCIS notices listing the affected field offices:
<https://www.uscis.gov/forms/uscis-updates-fee-payment-system-used-field-offices>,
<https://www.uscis.gov/news/news-releases/uscis-updates-fee-payment-system-used-field-offices>,
<https://www.uscis.gov/news/alerts/fee-payment-changes-two-uscis-los-angeles->

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Global: Corporate Immigration for U.S. Citizens to Colombia

Colombia has been facilitating migration processes in recent years to encourage individuals from different countries to do business and make investments in Colombia. With the increase of foreigners, Colombia's Ministry of Foreign Affairs has created immigration statuses to allow them to stay and/or engage in various types of activities.

U.S. nationals may enter Colombia with an entry and stay permit (PIP), which is granted for 90 days and may be extended for another 90 days. This permit is obtained upon entering Colombia and is granted to those foreign individuals who wish to attend conferences or meetings, assist in trainings, participate in job interviews, or provide urgent technical assistance.

When the activities to be performed in Colombia take longer than 180 days or require specific conditions such as concluding a local contract, U.S. nationals may request a visa, which will authorize the person to enter and remain for up to 2 or 3 years in the national territory depending on the type of visa. When a visa is required for a stay of more than 180 days and the activities to be performed are business-related, the foreign national can opt for a business visitor visa. If the foreign national will be working in Colombia, a local contract likely will be required to obtain a migrant work visa. A foreign individual interested in obtaining an investment visa must make a foreign direct investment of 100 to 600 times the Colombian monthly legal minimum wage, which means approximately \$26,000 to \$174,000 USD.

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Firm in the News

In *Chambers USA 2019*, a guide to leading lawyers in the United States, **Mr. Mehta** was top-ranked as a "Band 1" attorney in immigration. For more information see:

<https://chambers.com/profile/individual/280125?publicationTypeId=2>

Cora-Ann V. Pestaina and **David A. Isaacson** were top-ranked as "Band 3" attorneys in immigration. See at:

<https://chambers.com/profile/individual/726274?publicationTypeId=5>, and
<https://chambers.com/profile/individual/726271?publicationTypeId=5>

Cyrus Mehta was quoted by *the Times of India* in an article entitled “Job hopping gets tougher for H-1B holders”. The article is at
<https://timesofindia.indiatimes.com/city/mumbai/job-hopping-gets-tougher-for-h-1b-holders/articleshow/69088066.cms>

Cyrus Mehta was quoted by *Yahoo News* in an article entitled “Is it getting difficult for H-1B holders to switch jobs”. The article is at
<https://in.news.yahoo.com/getting-difficult-h-1b-holders-061022959.html>

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