



IMMIGRATION UPDATE- DECEMBER 13, 2019

Posted on December 13, 2019 by Cyrus Mehta

Headlines

December 2019 Visa Bulletin – EB-1 Dates for Filing Current Except for China and India, Little Movement of Final Action Dates

– The U.S. Department of State (DOS) published the Monthly Visa Bulletin for December 2019, which shows Dates for Filing as current for EB-1 except for India and China.

Client Alert for Premium Processing Cases – Effective December 2, 2019, the fee for Premium Processing will increase from \$1410 to \$1440. USCIS has also proposed a new rule (published in the Federal Register on November 14, 2019) to extend the Premium Processing adjudication time

Health Insurance Proclamation Injunction Granted – An Oregon-based federal judge has blocked the October Presidential Proclamation which would have required immigrants entering the United States to prove that they either have health insurance or access to it within 30 days of entering the country.

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December 2019 Visa Bulletin – EB-1 Dates for Filing Current Except for China and India, Little Movement of Final Action Dates

The U.S. Department of State (DOS) published the [Monthly Visa Bulletin for December 2019](#), which shows Dates for Filing as current for EB-1 except for India and China. Unfortunately, there is very little movement in the Final Action date across all backlogged preference categories.

USCIS has fortunately [confirmed on its website](#) that beneficiaries of employment-based immigrant petitions should continue to use the Dates for Filing in December 2019 to determine whether they are eligible to file their adjustment applications. Applicants should however remember that even though they are being allowed to file their adjustment applications early in December, no cases can be approved until their priority date is after the Final Action Date. Below, courtesy of Foster LLP is a chart showing the December dates and a calculation of the forward movement, if any, in each category.

December 2019 Visa Bulletin – Employment-Based Dates

| Employment-Based Preference | All Chargeability Areas Except Those Listed | | | | | | | |
|-----------------------------|---|---------------------------------|----------------------------------|---------------------------------|------------------------|---------------------------------|---------------------------------|---------------------------------|
| | | CHINA- Mainland Born | El Salvador Guatemala Honduras | INDIA | MEXICO | PHILIPPINES | VIETNAM | |
| 1st | Dates for Filing | C | 01SEP17 Same | C | 15MAR17 Same | C | C | C |
| | Final Action Dates | 15JUL18 Forward 1 Month 2 Weeks | 15MAY17 Forward 3 Months 2 Weeks | 15JUL18 Forward 1 Month 2 Weeks | 01JAN15 Same | 15JUL18 Forward 1 Month 2 Weeks | 15JUL18 Forward 1 Month 2 Weeks | 15JUL18 Forward 1 Month 2 Weeks |
| | Dates for Filing | C | 01AUG16 Same | C | 01JUL09 Same | C | C | C |
| | Final Action Dates | C | 22JUN15 Forward 3 Months 1 Week | C | 15MAY09 Forward 2 Days | C | C | C |
| 2nd | Dates for Filing | C | 01MAR17 Same | C | 01FEB10 Same | C | C | C |
| | Final Action Dates | C | 01NOV15 Same | C | 01JAN09 Same | C | 01MAR18 Forward 1 Month | C |

| | | | | | | | | |
|----------------------------------|-----------------------|---|---|---|-------------------------------|---|-------------------------------|-------------------------------|
| Other Workers | Dates for Filing | C | 01AUG08 Same | C | 01FEB10 Same | C | C | C |
| | Final Action Dates | C | 01MAR08 Forward 1 Month | C | 01JAN09 Same | C | 01MAR18 Forward 1 Month | C |
| 5th (Non- Regional Center) | Dates for Filing | C | 15MAY15 Forward 4 Months 2 Weeks | C | C | C | C | C |
| | Final Action Dates | C | 15NOV14 Forward 2 Weeks | C | 01JAN18 Forward 3 Weeks | C | C | 01DEC16 Forward 2 Weeks |
| 5th (Regional Center) | Dates for Filing | C | 15MAY15 Forward 4 Months 2 Weeks | C | C | C | C | C |
| | Final Action Dates | U | U | U | U | U | U | U |

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Client Alert for Premium Processing Cases

Effective December 2, 2019, the fee for Premium Processing will increase from \$1410 to \$1440. In related news - covered in last week's ABIL Insider - USCIS has also proposed a new rule (published in the Federal Register on November 14, 2019) to extend the Premium Processing adjudication time so that the USCIS has 15 business days to process petitions/applications, as opposed to the current timeframe of 15 calendar days. Comments on the proposed rule are due by December 16, 2019 and AILA is planning on an organizational comment as well as a template comment for its members to use. ABIL is encouraging its member firms to comment given the substantial increases in a number of visa categories as well as the substantive changes being introduced as part of the fee increase.

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Health Insurance Proclamation Injunction Granted

A federal judge in Oregon has blocked the Presidential Proclamation – issued in October of 2019 – that would have required immigrants to the U.S. to either

prove they have private, unsubsidized health insurance within 30 days of entering the U.S. or prove they have the funds to cover unanticipated medical costs once in the U.S. Judge Michael Simon ruled that "the President's Proclamation requiring legal immigrants to show proof of health insurance before being issued a visa by the State Department is inconsistent" with the Immigration and Nationality Act. The injunction is nationwide pending resolution of the case. The underlying lawsuit alleged that the proclamation would effectively separate families when the intending immigrant is the beneficiary of a petition designed to encourage and support family unity. While the President justified the proclamation by saying "immigrants who enter this country should not further saddle our healthcare system, and subsequently American taxpayers, with higher costs"; the irony is that according to the Kaiser Family Foundation, in 2017 three-quarters of the 27.4 million uninsured people in the U.S. under age 65 were US citizens.

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Firm in the News

Cyrus Mehta was the discussion Leader on a panel entitled, *How to Help Your Clients Navigate the Complex World of Worksite Enforcement and Compliance*, at the 21st Annual AILA New York Chapter Immigration Law Symposium, New York, NY, December 12, 2019.

Cyrus Mehta was a Panelist, *Ethical Issues in Pro Bono Representation 2019*, New York, NY, December 12, 2019.