

# Immigration Newsletter

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### Scammers Posing as Immigration Agents, Telling People They Are Victims of Identity Theft and Requesting Verification of Personal Information

On April 19, 2017, the U.S. Department of Homeland Security announced that criminal scammers have been contacting people and telling them they are the victims of identity theft. In order to confirm the identity theft, they request the person provide them with their personal information. The fraudulent calls appear to be routed through to make it appear on Caller ID that it is from the Department of Homeland Security Office of Inspector General. The U.S. government advises that when a phone call is received from someone posing as an immigration agent, do not provide any information and hang up. Then, phone National Customer Service at 800-375-5283 to ask if you need to do anything about your case.

### USCIS Issuing Redesigned Residency Cards and Employment Cards beginning May 1, 2017

The new cards will be updated and will include: (1) Photo of the person on each side, (2) Will no longer display the signature of the person, (3) There will be holographic images, (4) Residency cards will show the Statue of Liberty and will be green colored, (5) Residency cards will no longer have an optical stripe on the back, and, (6) Employment cards will show an eagle and will be red colored.



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“At Barten Law, we understand that your immigration needs are important to you and your family. You deserve the highest quality representation and legal advice in all areas of immigration law.”



## **H-1Bs: Premium Processing Not Available, 15.7% Drop In New H-1B Applications, Trump's Plan to Change the H-1B Program – “Buy American, Hire American” Executive Order Dated April 18, 2017**

Premium processing for all H-1B petitions are now in effect from April 1, 2017 for up to 6 months. The most recent processing report says the government is taking 10 months for changes of status and 7 months for extensions. USCIS confirms that any H-1B extension case that was not entered into the system by April 3, 2017, will have the premium processing fee refunded. The standard 15 day refund period will not apply, however. On April 11, 2017, the random selection process was completed. On April 17, 2017, USCIS announced it received 199,000 new H-1B applications for the 85,000 slots available, which is a 15.7% decrease. The decrease is attributed to IT firms in India announcing they will keep more lower-experience workers in their offices in India, and smaller IT firms that faced additional scrutiny on their contractual arrangements last year filed fewer applications. President Trump issued an executive order related to H-1Bs, however, this order does little to change the program. No substantive changes to the program have been made since the 1990s. Trump needs legislation from Congress to make major changes to the H-1B program. Thus, he cannot affect the number of H-1Bs available, the wage level, the lottery system, and the amount of fees charged that are determined by statute passed by Congress. Most immigration attorneys are expecting more on-site visits to double-check accuracy of H-1B applications, more scrutiny of applications, and more requests for additional evidence.

## **AILA's ICE Liaison Committee Meeting on April 6, 2017**

ICE has been issuing Enforcement Actions at Sensitive Locations, the Parental Interest Directive, Identifying and Monitoring Pregnant Women, and Oversight of Segregation Directive. Prosecutorial Discretion continues to be part of immigration process. However, ICE will be getting rid of the email addresses and cancelling the ability to appeal to National Headquarters if the local Office of Chief Counsel refuses to approve Prosecutorial Discretion. ICE has been issuing Notices to Appear to answer in immigration court for removal charges to people who have expired non-immigrant status and also have pending residency applications. This is out of the ordinary. Regarding uncooperative countries, ICE says that many countries are now agreeing to allow their citizens to be removed back to their countries.

## **USCIS Transfers Cases between Service Centers**

Service Centers that are overwhelmed with applications are transferring some applications to other centers in order to assist them in the processing. Some I-765 Forms, Application for Employment Authorization, for F, M, and J nonimmigrants went from the California Service Center (CSC), the Nebraska Service Center (NSC) and the Texas Service Center (TSC) to the Potomac Service Center (PSC). Some I-539 Forms, Application to Extend/Change Nonimmigrant Status, for F, M, J, or B nonimmigrants went from the VSC to the CSC. Some I-129 Forms, Petition for a Nonimmigrant Worker, for petitioners requesting H-1B nonimmigrant classification went from the VSC to the CSC. Some I-130 Forms, Petition for Alien Relative, for immediate relatives went from the NSC to the PSC.





## **School Districts Could Pledge to Not Cooperate with Federal Immigration Authorities**

The Des Moines School District has adopted a “sanctuary school” policy to demonstrate an unwillingness to cooperate with federal immigration authorities. These policies include barring staff from asking parents and children about their immigration status, barring staff from providing information to federal immigration authorities, referring any immigration inquiries by federal authorities to the superintendent, and prohibiting federal immigration authorities from entering school property without a lawfully issued judicial order or warrant. However, many have no policy in place and a review of literature has found no record of any school district or school board that has elected to adopt a policy to cooperate with federal immigration authorities. Schools or school boards seeking to do so would likely face significant legal hurdles.

## **National Visa Center Now Requiring Mexican Police Clearance**

The State Department provided guidance on April 17, 2017, regarding its revision to the reciprocity schedule for Mexico. A police certificate is required for any immigrant visa applicant who is 18 and over AND has resided in Mexico for more than six months after the age of 18. Cases that began after March 6, 2017, must submit the police certificate to the National Visa Center in order to be determined complete. Cases that were already in process before March 6 will need to bring the Mexico Police Clearance to their interview at the U.S. Consulate in Juarez, Mexico.

## **Immigration Court News: Temporary Judges to Be Assigned; New Judge for Omaha Court**

The Omaha Immigration Court covers removal cases located in Iowa and Nebraska. The U.S. Justice Department has announced it is planning to temporarily reassign immigration judges to 12 different courts across the U.S. Omaha, Nebraska is a targeted court for the reassignments, due to the backlog of cases. This will likely create a backlog of cases for that judge in their home court room. Judge Matthew Morrissey, a former prosecutor with the Office of Chief Counsel in Omaha, has been sworn in and assigned to preside in Omaha, Nebraska as its newest immigration judge.

## **How to Find Out More About Your DACA Renewal Pending for 105 Days or More**

First, submit an inquiry from a USCIS only account at [myaccount.uscis.dhs.gov](http://myaccount.uscis.dhs.gov), if you don't have an account, use the USCIS web form [egov.uscis.gov/cris/contactus](http://egov.uscis.gov/cris/contactus). You can also call customer service at 800-375-5283. If more than 30 days have passed without a reply, contact [NSCFollowup.NCSC@uscis.dhs.gov](mailto:NSCFollowup.NCSC@uscis.dhs.gov) and if the Nebraska Service Center does not respond within 21 days, contact Service Center Operations at [SCOPSSCATA@uscis.dhs.gov](mailto:SCOPSSCATA@uscis.dhs.gov)

## **Know Your Rights – When You Travel Abroad, Leave Your Primary Phone or Laptop at Home**

Yes, you can be stopped. You and your things can be searched. Your laptop, phone, and tablets can be searched and copied. This applies to everyone, even U.S. Citizens during border crossings. It is unclear whether anyone is legally obligated to provide access to social media profiles such as Facebook or email accounts. Currently, there is a form requesting travelers provide this information voluntarily and for foreign nationals, refusing often leads to denied entry. For permanent residents, refusal often leads to travel delays. In the interior of the United States, USCBP also operates within 100 miles from land and sea borders and U.S. Immigration Customs Enforcement operates nationwide. Once in the United States, everyone has the right to not be stopped or be searched unless probable cause applies. Everyone has the right to request to be free to leave and to decline having you or your things searched. U.S. citizens always have the right to have a lawyer present during questioning by Immigration Agents. All others may request a lawyer be present, but if the questioning is immigration related, not criminal, there is no right. However, the right to remain silent is available to everyone.



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## Visa and Immigration Services

- » Family-sponsored Immigration
- » Citizenship/Naturalization
- » Special Immigrant Juveniles
- » Permanent Employment EB-1 through EB-4
- » Removal/Deportation Defense
- » Asylum
- » Waivers
- » Fiancé Visa (Including LGBTQ)
- » H-1B Specialty Occupations
- » Consular Processing



JoAnn L. Barten, J.D.

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**Preference Categories: June 2017 Bulletin --** The first priority date listed are cases which beneficiaries may file for adjustment of status or immigrant visa for residency June 1, 2017.

### Final Action: Family Sponsored

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland	INDIA	MEXICO	PHILIPPINES
F1	22DEC10	22DEC10	22DEC10	01SEP95	22APR06
F2A	15AUG15	15AUG15	15AUG15	22JUL15	15AUG15
F2B	22OCT10	22OCT10	22OCT10	08APR96	22SEP06
F3	01JUL05	01JUL05	01JUL05	22FEB95	08OCT94
F4	08MAY04	08MAY04	15SEP03	15JUL97	22NOV93

### Dates for Filing: Family-Sponsored

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland	INDIA	MEXICO	PHILIPPINES
F1	22JUL11	22JUL11	22JUL11	01APR96	08SEP07
F2A	08APR16	08APR16	08APR16	08APR16	08APR16
F2B	01SEP11	01SEP11	01SEP11	08AUG96	22JUL07
F3	01DEC05	01DEC05	01DEC05	01MAY95	01FEB95
F4	15NOV04	15NOV04	22JUN04	08JAN98	08FEB95

### Final Action: Employment-Based

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	01JAN12	C	01JAN12	C	C
2nd	C	01MAR13	C	01JUL08	C	C
3rd	15APR17	01OCT14	15APR17	15MAY05	15APR17	01MAY13
Other Workers	15APR17	15JUL06	15APR17	15MAY05	15APR17	01MAY13
4th	C	C	15JUL15	C	15JUL15	C
Certain Religious Workers	C	C	15JUL15	C	15JUL15	C
5th Non-Regional Center (c5 and T5)	C	08JUN14	C	C	C	C
5th Regional Center (I5 and R5)	C	08JUN14	C	C	C	C

### Dates for Filing: Employment-Based

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	01OCT13	01FEB09	C	C
3rd	C	01SEP15	22APR06	C	01JUL14
Other Workers	C	01JUN08	22APR06	C	01JUL14
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th Non-Regional Center (C5 and T5)	C	01SEP14	C	C	C
5th Regional Center (I5 and R5)	C	01SEP14	C	C	C