

Immigration Accountability Executive Action Was Announced By President Obama. Are You or Someone You Know a Beneficiary? (Part V) - Additional Methodologies For Providing Administrative Relief and To Allow Flexibility for Business Immigration Visa Applicants.

After years, President Obama has finally announced his plan for Administrative Relief. It is not an "Executive Decision". It is not an immigration Bill (although it is hoped that it may lead to one). The program will go under the name "Immigration Accountability Executive Action".

The following is a short description of some of the highlights of another part of the President's plan.

- Enlistees in the Military. Department of Homeland Secretary, Jeh Johnson, issued a memorandum to USCIS directing the agency to issue new policies on the use of parole-in-place or deferred action for certain spouses, children and parents of individuals seeking to enlist in the U.S. Armed Forces. This is an expansion of the current parole-in-place policy and will encompass family members of US citizens and lawful permanent residents seeking to enlist in the US Armed Forces. The purpose is to support the military in its recruitment efforts. USCIS is also being directed to consider deferred action to those undocumented family members of the U.S. service members who would otherwise be eligible for parole-in-place but were inspected and lawfully admitted to the US.
- Optional Practical Training. Secretary Johnson has directed ICE and USCIS to develop regulations to expand the degree programs eligible for OPT under the rule that currently allows certain STEM professionals to use OPT for up to 29 months. The time period of 29 months will also be extended, but a specific number of additional months was not mentioned by Secretary Johnson in his memo to USCIS Director Rodriguez. ICE and USCIS are being directed to require "stronger ties" to a degree-granting institution to better ensure the training is furthering the student's full course of study. ICE and USCIS are also directed to take steps to ensure that OPT is consistent with US labor market protections to safeguard the interests of US workers in related fields. No details on these last provisions are provided though it sounds pretty open-ended and could make the OPT rules much more restrictive. There is also talk about counting undergraduate STEM programs for purposes of STEM OPT extensions even if the graduate degree is not in a STEM field.
- PERM The Department of Labor will be undertaking a review of the 10 year old PERM program to modernize it and make it more responsive to changes in the national workforce. It will be seeking input on the following:
 - Options for identifying labor force occupational shortages and surpluses and methods for aligning domestic worker recruitment requirements with demonstrated shortages and surpluses;
 - Methods and practices designed to modernize U.S. worker recruitment requirements;
 - Processes to clarify employer obligations to insure PERM positions are fully open to U.S. workers;

- o Ranges of case processing timeframes and possibilities for premium processing; and
- o Application submission and review process and feasibility for efficiently addressing nonmaterial errors Other changes may also be made beyond these.

. H-4 Work Authorization this rule will be finalized. According to a White House briefing from 11/20, the rule will be released by in December or January.

. The long awaited L-1B memo on "specialized knowledge" will be released. According to Secretary Johnson, the current program provides vague guidance and inconsistent interpretation of the term "specialized knowledge." The new memo is intended to provide clear, consolidated guidance on the meaning of the term in order to improve consistence in adjudications and enhance a company's confidence in the program.

More changes may be coming when an actual memorandum and regulations may be issued. For more information, please feel free to contact the Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. at 201-670-0006 (x107). VISASERVE TEAM'S U.S. immigration lawyers or attorneys can also be reached by e-mail at info@visaserve.com

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