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**September 2017 Special Immigration Alert**

**USCIS Anticipates Resuming H-1B Premium Processing on October 3, 2017**

**USCIS Indicates That Foreign Nationals Who Depart the U.S. Will Abandon Pending TN Applications**

**USCIS Announces That It Will Institute Personal Interviews for All Employment-Based Green Card Applicants Starting October 1, 2017**

**DOS Issues October 2017 Visa Bulletin**

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**I. USCIS Anticipates Resuming H-1B Premium Processing on October 3, 2017**

U.S. Citizenship and Immigration Services (“USCIS”) has advised the American Immigration Lawyers Association (“AILA”) that it anticipates resuming premium processing for all H-1B petitions and extensions no later than October 3, 2017.

**II. USCIS Indicates That Foreign Nationals Who Depart the U.S. Will Abandon Pending TN Applications**

USCIS also has advised AILA that it will deny pending TN applications if the foreign national (“FN”) beneficiary travels outside the United States. According to the USCIS, this result is required by a strict reading of USCIS regulations which limit the agency to preserving only petitions if the sponsored FN leaves the country. Because the regulations define a TN submission as an application, it does not benefit from the protection of the regulation that applies to petitions.

**III. USCIS Announces That It Will Institute Personal Interviews for All Employment-Based Green Card Applicants Starting October 1, 2017**

On August 28, 2017, USCIS announced it will phase-in in-person interviews for all employment-based and family beneficiary-based asylee/refugee adjustment of status (permanent residence) applications. Previously, in-person interviews in these cases typically were waived and the USCIS adjudicated them based only on paper submissions. According to acting USCIS Director James W. McCament, “This change reflects the Administration’s commitment to upholding and

strengthening the integrity of our nation’s immigration system,” and reflects the current Administration’s desire for stronger vetting procedures in all aspects of the immigration process.

As those familiar with USCIS already know, there are extensive delays in all aspects of the immigration process. The addition of these in-person interviews promises not only to result in significant additional delay but also drive up the costs. The USCIS must pay for new examiners and applicants will need to pay counsel to prepare them for these interviews. The USCIS has not yet announced exactly how these interviews will work or when in the process they will occur. We will advise as we receive more information regarding implementation.

#### **IV. DOS Issues October 2017 Visa Bulletin**

The Department of State (“DOS”) has issued its Visa Bulletin for October 2017. This bulletin determines who can apply for U.S. permanent residence and when. The cutoff dates for family-based immigration continues to show backlogs due to the heavy demand for these visas.

On the employment-based side, the October 2017 Visa Bulletin shows that the employment-based first preference (“EB-1”) category remains current for all countries, including China and India, which had been regressed. The employment-based second preference (“EB-2”) and employment-based third preference (“EB-3”) categories also have shown movement. The EB-2 category is now current for all countries except China and India. The EB-2 category cutoff date for China will be May 22, 2013; for India, the EB-2 cutoff date will be September 15, 2008. The EB-3 category also will be current for all countries, except China, India, and the Philippines. The EB-3 cutoff date for China will be January 1, 2014; for India, it will be October 15, 2006; and for the Philippines, it will be December 1, 2015.

The DOS’s monthly Visa Bulletin is available at [travel.state.gov/content/visas/en/law-and-policy/bulletin.html](http://travel.state.gov/content/visas/en/law-and-policy/bulletin.html).

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