

U.S. Citizenship And Immigration Services Publishes Final Rule Providing New Benefits For Certain Employment-Based Visa Programs

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The U.S. Citizenship and Immigration Services (USCIS) recently published a final rule, effective January 17, 2017, to improve certain aspects of employment-based immigrant and nonimmigrant visa programs, and to better enable U.S. employers to hire and retain certain foreign workers who are beneficiaries of approved employment-based immigrant visa petitions while they are waiting to receive lawful permanent resident (LPR) status. USCIS has amended its regulations to provide the following benefits, among others: increase the ability of high-skilled workers who are the beneficiaries of approved I-140 petitions to accept promotions, change positions with current employers, change employers, and pursue other employment opportunities; improve job portability for certain beneficiaries of approved I-140 petitions, despite an employer's withdrawal of the approved petition or termination of the employer's business; allow certain high-skilled workers in the U.S. with E-3, H-1B, H-1B1, L-1 or O-1 nonimmigrant status to apply for employment authorization valid for a one-year period if (1) they are the principal beneficiaries of an approved Form I-140 petition, (2) an immigrant visa is not authorized for issuance for their priority date, and (3) they can demonstrate compelling circumstances that exist that justify issuance of an employment authorization document in USCIS's discretion; establish a grace period of up to sixty days, to be used in a single period, for certain high-skilled workers when their employment ends before the end of their authorized validity period, so they may more readily pursue new employment and an extension of their nonimmigrant

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status; and automatically extend the employment authorization and validity of Employment Authorization Documents (EADs) for certain individuals who apply on time to renew their EADs. According to USCIS, these regulatory changes are intended to benefit U.S. employers and high-skilled workers by streamlining the processes for employer sponsorship for LPR status, increasing job portability, and otherwise providing stability and flexibility for such workers.