

## Jackson Lewis Employers' Immigration Update - No. 20, December 2015

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### Proposed STEM OPT Rule Published

The U.S. Department of Homeland Security has proposed amending its regulations on the optional practical training ("OPT") program to allow international F-1 students with U.S. degrees in the sciences, technology, engineering, or mathematics ("STEM") – attained from accredited institutions – to extend by 24 months the standard 12-month OPT period available to them to remain in the U.S. to pursue degree-related work experience. This would supersede the 17-month extension now available to STEM-degree holders. In addition, F-1 students may qualify for the extension based on a previously attained U.S. STEM degree from an accredited institution of higher education.

### USCIS to Issue Monthly Determination on Adjustment of Status Applications

USCIS has announced that beginning with the November 2015 Department of State Visa Bulletin, it will issue a determination within approximately one week following the publication of the Visa Bulletin on whether individuals may use the Dates for Filing Visa Applications chart. This monthly announcement can be found at <http://www.uscis.gov/visabulletininfo>. If USCIS does not post such a determination, individuals should continue to refer exclusively to the Application Final Action Date chart on the USCIS website.

The monthly DOS Visa Bulletin indicates when statutorily limited visas are available to prospective immigrants based on their individual priority date. In the employment-based Adjustment of Status context, the priority date is generally the date when the labor certification (PERM) was accepted for processing by the Department of Labor, or, if no labor certification was required, then the date of filing of the Form I-140, Immigrant Petition for Alien Worker. When an immigrant visa is available, eligible individuals may submit their Form I-485, Adjustment of Status application.

### USCIS Proposes Changes to Form I-9

USCIS has published notice in the Federal Register on proposed changes to Form I-9. It stated, "Many of the proposed changes to Form I-9 are intended to help reduce technical errors and help customers complete the form on their computer after they have downloaded it from [uscis.gov](http://uscis.gov)."

### Obama Administration Appeals Injunction on DAPA/Expanded DACA to High Court

The Obama Administration has asked the U.S. Supreme Court to overturn a federal appeals court's injunction blocking its Deferred Action for Parental Accountability (DAPA) and expanded Deferred Action for Childhood Arrivals (DACA) programs. The Court is expected to decide whether to accept the case at its January 15, 2016, conference. The Court denied a request from Texas for a 30-day extension to respond to the appeal, granting only an eight-day extension instead — until December 29. This is considered a victory for the Obama Administration as a ruling likely could come relatively quickly if the Court decides to hear the case.

If you have questions about these or other developments, please contact any member of [Immigration](#) practice group.

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