

2018 Immigration Updates

Labor & Employment Law Update

By Sara Zorich on January 16, 2018

Deferred Action for Childhood Arrivals (DACA) Renewals Resume

As of January 13, 2018, the United States Citizenship and Immigration Services (USCIS) has announced that, due to pending litigation and a federal court order, it is going to resume accepting and processing renewals for DACA recipients including Employment Authorization Documents granting work status. This only applies to DACA recipients who had previously been granted deferred action status and USCIS is NOT accepting first time DACA applications.

USCIS has indicated the following:

1. If the person previously received DACA and their DACA expired on or after Sept. 5, 2016, the person may still file a DACA request as a renewal request which includes a request for extension of the person's work authorization.
2. If the person previously received DACA and the DACA expired before 9/5/16, the person may file a new initial DACA request including work authorization.

Employers should check the USCIS website for additional information, but this is good news for employers and employees as employees on DACA now have an avenue to once again renew their employment authorization and legal work status.

Temporary Protected Status

On November 20, 2017, the Acting Secretary of Homeland Security announced the decision to end Temporary Protected Status (TPS) for Haiti. The transition period is for 18 months and the TPS designation will end on 7/22/19.

On January 8, 2018, the Secretary of Homeland Security announced the decision to terminate the TPS designation for El Salvador. Again, there is an 18 month transition period and the TPS designation will terminate on 9/9/19.

These announcements will eliminate the ability for individuals from Haiti and El Salvador to apply for employment authorization documents and work authorization based on their TPS status.

If a company employs an alien authorized to work, the company must keep track and monitor the date in which an alien's work authorization expires. These employees require reverification. See USCIS Handbook for employers for more information about reverification of current employees.