FBT Immigration Update: July/August 2017

Aug 28, 2017

Categories:

Publications

Authors:

Mary (Peggy) G. Shukairy

CIS Denying Advance Parole Applications Because of International Travel

CIS has confirmed that there has been a change in policy regarding the processing of Advance Parole Applications. If an individual travels internationally while an Advance Parole Application is pending, CIS will deny the application because the international travel is considered an abandonment of the application. This has been confirmed even where the individual has an existing unexpired Advance Parole document or a valid H, L, K, or V visa which authorizes them to return to the U.S. after international travel. Individuals who wish to apply for advance parole will need to either avoid international travel while the application is pending, which could be 4-5 months depending on current processing times, or plan to re-apply if they must travel internationally while the application is pending.

Department of State Suspends Visa Processing in Russia

In response to Russia capping the number of personnel at U.S. missions in Russia, the Department of State has suspended all nonimmigrant visa processing from August 23-31, 2017. Visa operations will resume on September 1 but will be limited to the U.S. Embassy in Moscow. On August 21 the Department of State began canceling nonimmigrant visa appointments throughout Russia. Visa applicants who were originally scheduled for an interview at the U.S. Consulates in St. Petersburg, Yekaterinburg, and Vladivostok should reschedule their interviews for the U.S. Embassy in Moscow. Due to these changes, visa applicants can expect a longer wait for an appointment. Wait times for an appointment have ballooned to 85 calendar days for a Visitor Visa, 36 Calendar Days for Students/ Exchange Visitor Visas, and all other Nonimmigrant Visas have a 53-day wait.

CIS Challenges Level 1 Wages for H-1B Workers

The American Immigration Lawyers Association reports that Requests for Evidence (RFE) have been received challenging the use

2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

of a Level 1 wage in the Labor Condition Application that supports an H-1B petition. This has not been limited to the IT profession, but also includes dentists, physicians, accountants, professors, engineers, etc. The issue raised is whether a position with complex job duties can have a Level 1 wage. This appears to be driven by the Buy American and Hire American Executive Order, which is concerned with creating higher wages for workers in the United States. However, these RFEs fail to recognize that the Immigration and Nationality Act requires the Department of Labor wage surveys to have "at least four levels of wages commensurate with experience, education, and the level of supervision." The Department of Labor's Prevailing Wage Determination Policy Guidance defines the levels as Level 1 (entry), Level 2 (experienced), Level 3 (qualified), and Level 4 (fully competent). Employers should be prepared for such a challenge by confirming that their requirements for an occupation are clearly laid out and the appropriate wage level was calculated.

Global Entry Program Expanded

Citizens of Colombia, Singapore, and Switzerland have joined the list of those eligible to apply for the Global Entry international trusted traveler program:

- Argentina
- Australia
- Canada
- Germany
- India
- Mexico
- New Zealand
- Panama
- Republic of Korea
- United Kingdom

According to U.S. Customs and Border Protection, the benefit of becoming a Global Entry member is reduced wait times for clearance into the U.S. and the potential for expedited admission in other countries. Additional information about the program can be

2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

found at https://www.cbp.gov/travel/trusted-traveler-programs/global-entry/international-arrangements.

If you have questions relating to these topics, please contact Peggy Shukairy or Matt Wagner in Frost Brown Todd's Labor and Employment Practice Group.

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.

2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

FBT Gibbons