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USCIS Rescinds H-1B Guidance Memo

The agency rescinded its guidance memo concerning H-1B's in computer related positions, which it published in 2000, stating that the memorandum is "now somewhat obsolete."

The legacy memorandum provided inaccurate guidance concerning the required education levels required for computer programmers to qualify for H-1B status and the use of the Occupational Outlook Handbook (OOH).

Under current guidance, USCIS advises that "a petitioner may not rely solely on the Handbook to meet its burden when seeking to sponsor a beneficiary for a computer programmer position. Instead, a petitioner must provide other evidence to establish that the particular position is one in a specialty occupation as defined by 8 CFR 214.2(h)(4)(ii) that also meets one of the criteria at PM-602-014. The new guidance can be viewed [here](#).

New Assault on H-1B Visas



Christian G.A. Zeller, Esq.



The USCIS announced that it is ramping up its efforts to detect H-1 visa fraud and abuse. The agency will take a more targeted approach when making site visits to H-1B petitioners and the worksites of H-1B visa holders. USCIS will focus on:

- Cases where USCIS cannot validate the employer's basic business information through commercially available data;
- H-1B-dependent employers (those who have a high ratio of H-1B workers as compared to U.S. workers, as defined by statute); and
- Employers petitioning for H-1B workers who work off-site at another company or organization's location.

If you are an H-1B employer, I strongly advise that you update your Dunn & Bradstreet profile because the USCIS considers D&B online data as "commercially available data." If you are an H-1B employer who employs its H-1B staff offsite, make sure you have documentation evidencing that the H-1B employee is your employee, that you control the means and manner how s/he performs her job at the third party employer and that you have such an agreement with the third party employer.

MGZ Opens Office in Philadelphia

Maney|Gordon|Zeller proudly announces the opening of its immigration law practice in Philadelphia, PA. We merged with the law offices of Jay Bagia & Associates, a renowned Philadelphia immigration law firm of 31 years.



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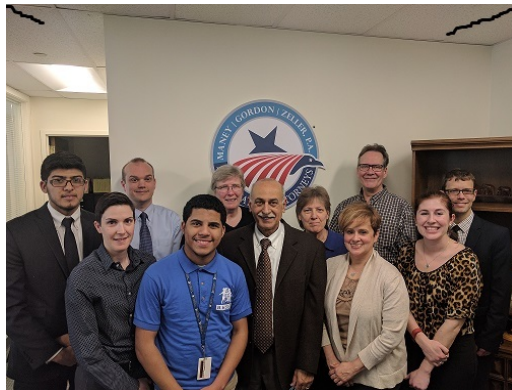
Tampa

813-221-1366

[Map](#)

Branch Offices

Mr. Bagia will remain of counsel with the firm. Immigration Attorneys Shelley Grant, Stephen J. Antwine, and Kimberly Keenen have joined MGZ together with Mr. Bagia and we are pleased to welcome Mr. Bagia's support staff Chris Grant, Elsie Vazquez, Nick Susiak, Christopher Derstine Friesen, Kristen Albanese, Eladio Polanco and Jonathan Silva to Maney|Gordon|Zeller.



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