



Business Immigration Reporter

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Dear BIR Subscribers,

Recently I attended the annual American Immigration Lawyer's conference. Following are some snippets I learned about H-1B and I-9 trends, which I think you may find interesting. Stay tuned for updates or feel free to contact us at mybusiness@maneygordon.com.

H-1B Trends & Tips:

- Changes to the H-1B program are likely coming;
- Site visits are up;
- The H-4 employment authorization available now for certain H-4 dependents may be rescinded;
- The two year STEM OPT exception may be rescinded;
- We will likely get an H-1B prioritized system, requiring and prioritizing:
 - higher degrees
 - higher wages
 - revised prevailing wages
 - revised recruitment requirements
 - filing fee increases
- Premium Processing will resume on Monday, June 26th for H-1B petitions filed for medical doctors under the Conrad 30 Waiver program, as well as interested government agency waivers



Christian G.A. Zeller, Esq.



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- Premium Processing remains temporarily suspended for all other H-1B petitions

I-9 Trends & Tips:

- OSC (Office of Special Counsel), which concerns itself with “I-9 discriminatory practices” is now IER (Immigrant & Employee Rights Section);
- There’s a new regulatory definition of “discrimination;”
- IER has five years to bring a discrimination claim against an employer;
- According to ICE / HSI, there is an increase in I-9 audits;
- There will be a new Form I-9 by July – implementation likely by September 20, 2017;
- Issuance of new guidance memorandum on technical and substantive verification failures is imminent;
- ICE takes the position that Section 1 of Form I-9 is static once it is filed;
- ICE says do not forget to check the translator box – whether or not you used a translator – failing to do so is a technical verification failure
- ICE says when you do use a translator and you fail to complete the translator information and you fail to check the translator box, it is a substantive verification failure.
- ICE has no consistent position on when your new hire completes Section 1 of Form I-9 on or before the first day of work, whether you may insist that the new employee provides you documentation for Section 2 of Form I-9 on that same day or whether you must give the employee three days to provide such documentation.

Firm News:

Promotion:

We are proud to announce that attorney Cathy Kretz has been promoted to Managing Attorney of the firm’s Albuquerque, NM office. Ms. Kretz is a compassionate



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and renowned immigration attorney who has practiced immigration law in Albuquerque for over 20 years and all of us look forward to her leadership.



MGZ exhibits at SHRM tradeshow in New Orleans



We exhibited at SHRM (Society for Human Resource Management) at the Ernest N. Morial Convention Center in New Orleans, LA from June 18 to June 21. We enjoyed meeting many of you during your visit to our booth. We raffled away a Michael Kors purse and the lucky winner was Jason Wolf of Best Western from Phoenix, AZ. Congratulations!



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