



Business Immigration Reporter

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H-1B Ready - Set - Go

The USCIS will begin accepting H-1B applications for fiscal year 2017, with a work-start date of October 1, 2016, on April 1, 2016.

Given the expected high demand for H-1B visas, coupled with the regulatory annual numerical limitations, both employers and beneficiaries, if they have not done so already, should begin preparing H-1B applications now.

Failing to begin the process now will leave little or no room for contingencies. For example, it takes the Department of Labor a minimum of seven days to issue a prevailing wage. During this process the DOL not only determines the prevailing wage, but also seeks to verify the existence of the petitioning entity in the VIBE database (Validation Instrument for Business Enterprises).

The DHS has contracted with Dun & Bradstreet (D&B) as its independent information provider for the VIBE program. This means if your company information is not properly updated in the D&B database, the government cannot verify a petitioner's existence and will send a request for additional evidence, further delaying the H-1B application preparation process.

TIP for all H-1B employers: update your D&B profile today!

District Court Grants 90-day Extension for Vacatur of STEM OPT Rule

According to the American Immigration Lawyers Association (AILA), the U.S. District Court for the District of Columbia



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granted DHS's motion for limited relief from the court's August 12, 2015 order, and ordered the vacatur of the 17-month STEM OPT extension be further stayed until May 10, 2016.

In its opinion, the court rejected the plaintiff's argument that it had been divested of jurisdiction to grant the requested relief. The court also found that, in light of the "unexpected and unprecedented" 50,500 public comments received in response to DHS's Notice of Proposed Rulemaking on October 19, 2015, "extraordinary circumstances" existed that warranted modifying the court's previous order. (Wash. Alliance of Tech. Workers v. DHS, 1/23/16)

USCIS Processing Delays for H-1B Extensions

Both the California Service Center and the Vermont Service Center have acknowledged they have fallen behind in processing H-1B status extension requests.

According to USCIS there has been an increase of extension filings, including Simeio filings (amendments to H-1B petitions), including premium processing applications.

Remember, once an H-1B extension is properly filed with USCIS, the applicant is allowed to continue working for his/her employer for up to 240 days.

DHS and DOS Change Entry Requirements for Caribbean Residents Entering U.S. as Agricultural Workers

The Department of Homeland Security and the Department of State eliminated the nonimmigrant exemption for certain Caribbean residents coming to the United States as H-2A agricultural workers.

The visa exemption is a leftover from World War II during which it served to eliminate labor shortages. The new rule will ensure that all travellers from the Caribbean under the H-2A category are properly screened for entry eligibility.

This change applies to a British, French, or Netherlands national, or a national of Barbados, Grenada, Jamaica, or Trinidad and Tobago, who has residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean, or has residence in Barbados, Grenada, Jamaica, or Trinidad and Tobago.

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Orlando, Florida

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Albuquerque, New Mexico

505-266-8739
[Map](#)

El Paso, Texas

915-533-6699
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March 2016 Visa Bulletin

The Department of State has published the Visa Bulletin for March 2016 which you can find [here](#).

Most notably, while the priority date for the Employment-Based third (EB-3) category for all chargeability areas is at 01 January 2016, the filing date for adjustment of status in this category is current for the first time in over 10 years.

Christina Rosado Joins Maney | Gordon | Zeller



Immigration Attorney Christina M. Rosado has joined Maney | Gordon | Zeller and will continue to practice immigration law at the firm's Albuquerque, New Mexico office.

Christina received her Bachelor of Arts Degree in Political Science from UCLA in 1993. She obtained her Juris Doctor degree in law from Northeastern University School of Law in May of 1998.

After graduation, Christina was admitted to the Bar of the State of New Mexico and is currently permitted to practice immigration law in all 50 states.

Christina is an accomplished public speaker and writer. She is a member of the New Mexico Immigration Section of the New Mexico State Bar and has been a board member of that section since 2013.

Since becoming a member of the American Immigration Lawyers Association in 2007, Christina's immigration experience has been extensive. Her

employment has included work at the University of New Mexico as the Designated School Official for the school's F-1 and J-1 visa programs. She also served as the lead attorney for the law firm of Lawit and Kitson for family-based visas. She successfully operated her own practice from 2013 until joining Maney | Gordon | Zeller.

Fluent in English and Spanish, Christina brings an important skill-set of immigration law knowledge and experience.

Maney | Gordon | Zeller is proud to have Immigration Attorney Christina Rosado as a member of the firm.

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