

## Business Immigration Reporter

Vol. II - Issue 9

October 2016



### Email PERM Audits

The Department of Labor (DOL) audits nearly half of all labor certification applications (PERM) it receives. To date all such audits were sent by U.S. mail and the DOL required a response time of 30 days.

It has come to our attention that the DOL has recently sent some PERM audit notifications via email. The response time for email audits is shortened from 30 to 15 days and the audit response may be submitted via email. Stay tuned for updates on this subject.

### PERM Recruitment Reports

The Department of Labor (DOL) has published a new FAQ in which it provides guidance on the preparation of recruitment reports.

Under these new guidelines the DOL requires that the employer categorizes the lawful job-related reasons for rejecting U.S. workers and provide the number of applicants for each category. The employer must provide (1) the total number of U.S. applicants who applied for the job; (2) the total number of U.S. applicants hired for the job opportunity; and, if applicable, (3) the total number of U.S. applicants who were rejected, categorized by the lawful job-related reasons for rejection, and how many fall under each category.

The DOL further reports that if the total number of U.S. applicants rejected does not equal the total number of U.S. applications received, the PERM application may be denied.

### I-94 Entry Document Corrections



Christian G.A. Zeller, Esq.



From time to time it happens that a Customs & Border Patrol Agent (CBP) issues an incorrect, visa classification, biographic information, length of stay information, etc., when a foreign national enters the United States.

In general, corrections of I-94 entry documentation must be requested in person; however, recently some CBP deferred inspection offices have begun to accept I-94 correction requests via email.

Currently, CBP operates about 70 deferred inspection locations throughout the nation. A dozen or so are now accepting email I-94 correction requests and others who have not switched yet are amenable to accommodating email correction requests.

We will continue monitoring progress and keep you updated.

### **ALERT Visa Revocations ALERT**

Any non-immigrant visa holder (H-1B, L-1, F-1, J-1, B-1, etc.) who gets arrested for driving under the influence (DUI), will have his/her visa prudentially revoked. The prudential revocation occurs at the time of the arrest.

The visa revocation becomes effective when the non-immigrant leaves the United States to visit a U.S. Consulate for his/her visa extension. The consular officer will refer the visa applicant to a CDC panel physician and if the physician determines that the applicant has had one DUI within the past five years or two or more DUI's in the past 10 years, the panel physician will make a "Class A" determination under the Immigration & Nationality Act's (INA) health findings and the consular officer will deny the visa extension request as a result.

A consular officer cannot override a panel physician's "Class A" determination. The applicant must wait one year for a "Class B" determination from a panel physician, following a full year of remission. This means, that an applicant in this circumstance would have to wait at least one year, before he or she can apply for a visa again.

### **November 2016 Visa Bulletin**

There has been no significant forward movement in any of the employment-based preference categories since last month. You can find the current Visa Bulletin by clicking [here](#).

### **Firm News**



#### **Corporate Office**

Tampa  
813-221-1366  
[Map](#)

#### **Branch Offices**

##### **Immigration Help Center**

Tampa, Florida  
813-888-6700  
[Map](#)

##### **Orlando, Florida**

407-857-1300  
[Map](#)

##### **Albuquerque, New Mexico**

505-266-8739  
[Map](#)

##### **El Paso, Texas**

915-533-6699  
[Map](#)

##### **Clearwater, Florida**

727-799-9855  
[Map](#)

Maney|Gordon|Zeller was a sponsor of the 2016 Albuquerque International Balloon Fiesta in New Mexico which took place on October 1st - 9th 2016. The Balloon Fiesta is an annual nine day celebration of more than 500 hot air balloons. The event is the largest hot air balloon festival in the world as a result of Albuquerque's unique climate and predictable wind patterns. Maney|Gordon|Zeller staff met with balloonists and spectators from around the world to provide consultations and advice.



Maney|Gordon|Zeller attorneys attended and lectured at AILA Central Florida Chapter's 30th Annual Immigration Law Conference on October 13th – 15th 2016 at Championsgate Omni Hotel & Resort.

Christian G.A. Zeller, Esq., led a panel on *Overview of Recent Developments in Immigration Law*.



Daniela Hogue, Esq., led a panel on *Cuba: The New Frontier!*



Gerald Seipp, Esq., was a speaker on *Creative Strategies for Crim-Immigration Relief*.



Maney| Gordon| Zeller and the American Immigrant Alliance sponsored over 600 free books for migrant children and their families at the Migrant Family Festival in Plant City, Florida on October 15, 2016.



Ramon Carrion, Esq., was a speaker on *Winning a Naturalization Case – Covering the Most Common Reasons for Denial* at the Hillsborough County Bar Association – Immigration and Nationality Section Luncheon in Tampa, Florida on October 18, 2016.



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