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Marks Gray Immigration Bulletin - April 2016



# Immigration Bulletin



**Giselle Carson, Esq.**  
Shareholder  
Immigration Attorney



904.398.0900  
[www.marksgrey.com](http://www.marksgrey.com)

**Hello, and Welcome to our April Immigration Update!**

The "H-1B season," one of the busiest times of the year for immigration attorneys, just passed. Unfortunately, as expected, the H-1B cap was met and a lottery will be conducted to select the petitions that USCIS will begin to adjudicate. This is a very stressful process full of uncertainties and my team and I would like to thank our clients for working with us promptly and effectively to complete and file the best possible petitions.

As we learn more about the current H-1B visa filings, we will provide updates via our blog and newsletter. In the meantime, this newsletter contains several pieces of information relating to the H-1B process such as options should you not be selected for the H-1B, updates on the STEM extension discussed in the March bulletin and traveling while a petition is pending.

In addition to serving our clients, we continue to be very active in the Jacksonville community. We visited with Mayor Curry and have just completed several fantastic firm and Jacksonville Bar Association events. Check out all of our recent new and noteworthy events [below](#).

To stay updated on current immigration issues, we invite you to subscribe to our [blog](#).

Thank you for your readership, support and referrals.

Cheers!



Giselle Carson

## Expired Form I-9 Currently in Use

The current Form I-9 Employment Eligibility Verification expired March 31, 2016. However, USCIS has allowed employers to continue to use the current version of the Form I-9 until additional comments are received and a new form is

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finalized and approved.

Public comments may be submitted until April 27, 2016. In response to the public comments already received, USCIS has made changes to the proposed new form including:

- Validations on certain fields to ensure information is entered correctly;
- Drop-down lists and calendars;
- Embedded instructions for completing each field;
- A dedicated area to enter additional information that employers are currently annotating in the margins;
- A quick-response (QR) code that generates once the form is printed to facilitate audits; and
- Removing the requirement that foreign nationals provide both their Form I-94 number and passport information in Section 1.

Employers should continue to use the current version of the Form I-9 until the new proposed version is released. USCIS will post the final version on its website once it is available. We will post updates on this important issue as they are made available.

For More Information on Form I-9, visit our [blog](#).

## How Will New Cap-Subject H-1B Petitions be Selected?

As of April 7, 2016, USCIS reached the congressionally mandated H-1B cap for the fiscal year (FY) 2017. As of this writing, USCIS has not released the number of petitions it received.

They received more than 20,000 H-1B petitions filed under the US advanced degree exemption and more than the 65,000 for the regular cap filings. USCIS will use a computer-generated lottery to select the petitions that will proceed to adjudication. Any unselected 20,000 U.S. advanced degree petitions will be entered into the lottery for the 65,000 regular cap filings.

Unselected petitions will be returned with the filing fees. Before the lottery process begins, USCIS will complete an initial intake for all filings received during the filing period. Due to the high number of petitions received, USCIS is not yet able to announce the date it will conduct the lottery. We will continue to post updates on our blog as the process advances.

To stay up to date on information regarding H-1B petitions, please check out our [blog](#).

## Back Up Plans for Immigrants Who Don't Secure an H-1B Visa

I have written a short article on potential options. For alternatives to the H-1B visa, please read [more](#).

## Limited Window of Opportunity to File for seven month STEM OPT Extension Under Revised Rule

Foreign students currently on STEM OPT may apply for an additional seven months to benefit from the new 24-month period of STEM OPT rule. But, the time frame to apply is limited. According to the latest USCIS update, applicants must submit required paperwork to request the extension between May 10 – August 8, 2016.

To qualify for this seven-month extension, students must have at least 150 calendar days remaining before the end of the 17-month OPT period at the time the Form I-765 is filed. They must also meet all other requirements for the 24-

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## AROUND MARKS GRAY

**NEW** plus *NOTEWORTHY*

### Mayor Curry Visits Marks Gray



Marks Gray was pleased to Welcome Jacksonville Mayor Lenny Curry and the Florida Hispanic Leadership Group of Jacksonville in a roundtable discussion in March. The group of local leaders discussed several important issues affecting Jacksonville area Hispanic families, businesses, and the community at large. Our firm will continue to host events of this nature in the future in order to help strengthen our community ties. Read more [here](#).

### First Coast Success Profile

I am thrilled to have been selected to join the list of accomplished local business leaders featured in the Jacksonville Daily Record and First Coast Connect's First Coast Success Story. The journey I've made as a two-time immigrant to an immigration attorney and community leader will be profiled in print and on radio on April 25th. To learn more about how you can read and listen to the show with Melissa Ross, click [here](#).

### Women Forward Event - May 19th

**DHG** | women forward

I would also like to invite you all to attend Jacksonville's Inaugural Women Forward Event on May 19th at the Hyatt Regency Riverfront in Jacksonville. I will be serving as a panelist on a discussion

month STEM OPT extension. The 150-day minimum remainder of OPT time is aimed to provide the student with at least one year of practical training under the extension.

Any 17-month STEM OPT EAD that USCIS issued on or before May 9, 2016, will remain valid until the EAD expires, is terminated or revoked.

DHS will not automatically convert 17-month extensions into 24-month extensions. Students considering applying for this extension should contact their DSO as soon as possible to obtain additional guidance and authorization to proceed with the application.

For additional information on the 24-month STEM OPT rule revisions, read [more](#).

## Traveling Abroad while a Change of Status is Pending is Fatal

Often foreign nationals are admitted in one category and apply for a change of status (COS) to another category while in the U.S. For example, we just filed cap-subject H-1B petitions for many immigrants who were in F-1/OPT status requesting a COS to H-1B. If an immigrant applies for a COS and travels abroad while the petition is pending, their application would be considered abandoned and USCIS would issue a denial. Traveling abroad will also result in a denial of any Form I-765, Application for Employment Authorization, filed before the COS is approved. Therefore, traveling abroad can be fatal to your filing.

Read more [here](#).

entitled, "How to Drive Business Forward: A Female Perspective" with local businesswoman and community leader Renee Parenteau. I hope to see you all there. For more information or to register, visit the Women Forward [event page](#).

## The Power to Transform

I have the honor of serving as the Jacksonville Bar Association (JBA) President. The JBA serves our members and community. In my President's Column, I celebrate the transformational power of the actions and leadership of our members. [Click here](#) for the full story.

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**Our mailing address is:**

Marks Gray, P.A.  
1200 Riverplace Boulevard  
Suite 800  
Jacksonville, Florida 32207

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