

# Immigration Bulletin



Giselle Carson, Esq.  
Shareholder  
Immigration Attorney



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

## Hello, and Welcome to our May Immigration Update!

As you might know, the stressful and uncertain H-1B lottery process is almost complete and we are grateful to have been able to help many of our clients navigate this process, obtain FY17 cap-subject H-1Bs and strategize alternatives. This newsletter contains updates on the process and options.

Additionally, our team and I have continued to be very involved in the Jacksonville Bar Association and other community activities. As a result, I was selected for a First Coast Success Profile - Running On Passion. You can read more about this profile and other events in this bulletin.

Some of you might be in the process of planning a summer vacation or time off. I wish you happy planning and fun times.

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

## H-1B Updates - USCIS Announced Completion of Data Entry of H-1B Petitions

During the last two weeks of April, we started receiving Receipt Notices for H-1B selected petitions and kept our fingers crossed for much more to come. Then, USCIS announced that it had completed the data entry for all of the H-1B petitions selected during the lottery.

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USCIS will begin returning the petitions that were not selected. USCIS is unable to provide a definite time frame for returning these petitions and asks that no inquiries be submitted relating to the status of these petitions until we receive a receipt notice or an unselected petition is returned.

USCIS will issue an announcement once all the unselected petitions have been returned.

For a recap of our FY2017 H-1B Updates, please read our recap on the [blog](#).

## Not Selected for FY2017 H-1B Lottery? Consider New STEM OPT Extension

Students not selected under the FY17 H-1B lottery who are currently working under F-1/OPT STEM should strategically consider taking advantage of the new 24-month STEM OPT extension.

Below, I review some of the key points of this rule and offer action items.

- The new rule goes into effect May 10, 2016.
- Eligible students working under the 17-month OPT STEM must apply for the seven-month extension between May 10, 2016, and August 8, 2016 ("the transition period").
- Eligible students must have at least 150 days of employment authorization remaining at the time that the "I-765, Employment Authorization Document (EAD)" is filed with USCIS.
- Students whose current 17-month EAD expires between Oct. 7, 2015, and Jan. 5, 2017 could lose eligibility for the seven-month extension if the EAD is not filed with at least 150 days of work authorization remaining.
- The new rule requires that employers complete a new Form I-983 relating to the details of the training opportunity.
- The EAD application must contain a completed and signed Form I-983.
- Employers with employees seeking the extension must be enrolled in E-Verify.

Eligible students should contact their DSO as soon as possible for information and authorization to file for the seven-month extension and complete all the documentation required.

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

## EB-1 Extraordinary Ability "Green Card" Possible for Judo Coach

USCIS denied the petition of a renowned Korean Judo athlete seeking an EB-1 first preference "green card" based on his top abilities in athletics as a Judo athlete to coach other athletes. The denial was appealed. The court reversed the USCIS' decision. The court decided that in certain cases the athlete's area of expertise could properly encompass both athletic competition and coaching other athletes.

The court found that coaching is within an athlete's area of expertise if the individual's national or international athletic acclaim was recent and he or she sustained that acclaim upon transition to coaching at a national level. The totality of the evidence, in this case, showed that the athlete had recent athletic

[Visa Appointment & Processing Wait Times](#)

[iCERT Visa Portal System](#)

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## AROUND MARKS GRAY



### First Coast Success Profile on News Stands

I'm thankful for the fantastic article written by Karen Mathis at The Jacksonville Daily Record that was published on April 25th. I was honored to be the latest of several local accomplished business leaders to be featured in the First Coast Success and First Coast Connect series. Thank You! To read the full story, click [here](#).

### Women Forward Event Next Week - May 19th

**DHG** | women forward

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

### Busy Summer Planned?

Learn More About my Tips for Maximizing Productivity in my latest article in [The Jacksonville Daily Record](#).

acclaim in Judo and progressive education, experience and licensing that positioned him to continue in his area of expertise as a judo coach.

This is a very important decision for highly accomplished athletes seeking to obtain a “green card” under the EB-1A extraordinary worker petition category. To read the decision, go to [\*\*Matter of K-S-Y\*\*](#), ID# 14269 (AAO Mar. 9, 2016).

## **USCIS Proposes Increase to Filing Fees**

USCIS has issued a public notice proposing to increase the filing fees for most immigration petitions and applications. The proposed increases are significant and affect petitions filed by employers to secure work authorization of skilled workers.

Some of the proposed increases are as follows:

**Form I-129** - Used by employers to support H-1B, L-1, TN and O-1 petitions increase from \$325 to \$460 (42% increase).

**Form I-140** - Used by employers to support the green card process of workers increases from \$580 to \$700 (21% increase).

**Form I-130** - Used by US citizens to sponsor a spouse or child increases from \$420 to \$535 (27% increase).

Read more [here](#).

## **Updates on Deferred Action for Certain Undocumented Immigrants**

The United States Supreme Court heard oral arguments in *United States v. Texas*. This lawsuit involves the challenge by Texas and 25 other States to the Obama administration’s deferred-action policy for certain undocumented immigrants.

President Obama’s deferred action initiatives could provide temporary status and work permits for over four million people who are in the U.S. undocumented. To qualify for deferred action, individuals must have continuously resided in the United States since January 1, 2010, register with the government and pass a criminal background check.

The Court is expected to decide by June whether the President’s deferred action initiatives (DACA, Deferred Action for Childhood Arrivals, and DAPA, Deferred Action for Parents of Americans and Lawful Permanent Residents) outlined in November 2014, can move forward. The vacancy on the Court makes a 4-4 deadlock possible. A deadlock would prevent the President’s plan from moving forward.

The main issue for the Court to decide is whether Texas has standing – a sufficient stake in the outcome of the case - to file a lawsuit against the Executive Branch.

Read more about the decision and associated updates [here](#).

## **E-Passports required for VWP**

The Visa Waiver Program (VWP) is used by citizens from 38 countries to travel without a visa to the U.S.

However, starting in April, the DHS will require these travelers to obtain a visa to travel to the U.S. if they don't have an ePassport.

An e-Passport contains an electronic security chip, which holds the passenger's biographical information including name, date of birth and other background information.

Read More [here](#).

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**Our mailing address is:**

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

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