



# MarksGray

LAWYERS FOR ENTERPRISE<sup>SM</sup>

Marks Gray Immigration Update  
Mar. 2014

## Happy Spring!

In addition to providing you with informative immigration news, we're adding two (2) new sections to our newsletter which we hope to find useful. The first new section is "FAQ" which will provide useful answers to questions that we typically receive from clients. The other section is "Best Life Tips". Personally, I am always looking for ways to better my life and the life of others. In this section, I share tips I have learned and incorporated into my life. I hope the tips benefit you. Please feel free to send me proposed contributions to these new sections [here](#). I look forward to your input. Cheers!



Giselle Carson  
Shareholder



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## Renewal Information for DACA

DACA beneficiaries who applied for status between June 15, 2012 and August 14, 2012 and wish to renew their deferred action and work permit should proceed as if they are applying for DACA for the first time. This requires submitting all required forms, documents and fees. They must file within 120 days of the expiration of their status or they will lose their work authorization and begin to accrue unlawful presence. Renewal information for those who applied on or after August 15, 2012 has not been issued. For additional information, click [here](#).

## Delays in Immigration Case Processing

We have noticed an one to two month additional delay in processing. Recent data obtained through a government FOIA request revealed that due to the government shutdown in October, 2013 more than 37,000 immigration cases have been pushed back. This adds to the already long wait for case adjudication. We remind our clients to be patient and proactive.



## Mexican TN's are now Easier to Obtain

Effective February 10, 2014 the DOS amended its NAFTA regulations and removed the employment petition requirement for Mexican citizens applying for a nonimmigrant TN classification. Under the current rules, Mexican nationals can file a TN application directly with the consulate rather than first obtaining an approval through USCIS. For additional information, please click [here](#).

## Chile Joins Visa Waiver Program

DHS designated Chile the 38<sup>th</sup> country to join the Visa Waiver Program. Chile is the first Latin America country to be included in this program. Currently, most participants are European countries. As a result, beginning May 1, 2014 eligible Chilean passport holders can visit the U.S. for 90 days or less without first obtaining a visa at a consular post to travel for business or tourism to the U.S. However, they will be required to apply online to obtain an Electronic System for Travel Authorization (ESTA). For additional information, click [here](#).

## April Bulletin is Out!

The April Bulletin has been released and EB-1 remains current across the board and EB-2 for Mexico and Philippines are current. EB-2 India remains unchanged at November 15, 2004 and EB-2 China moves forward to March 8, 2009. EB-3 China and Mexico move forward to October 10, 2012. EB-3 Philippines moves forward to June 15, 2007, while EB-3 India remains the same September 15, 2003. Click [here](#) to read the entire bulletin.

## New H-1B Filings

On April 1, 2014 the FY2015 H-1B filing's will begin. In a meeting with immigration attorneys, USCIS advised that they are arranging for appropriate staffing and are making plans to accommodate the expected significant number of petitions. They also advised that they are hopeful that they will adjudicate all petitions filed by October 1, 2014.

## Frequently Asked Questions

*Q. As we approach the FY2015 H-1B filing season, I am asked, how does someone on OPT/EAD ending prior to October 1, 2014 bridge the cap of time between the end of their OPT and the beginning of the cap-subject H-1B status?*



**A.** Current regulations allow for eligible F-1 students to have their OPT/EAD status automatically extended to bridge the "cap-gap" between the end of their F-1 and the start of H-1B status. Eligible students must have a timely filed H-1B petition requesting a change of status while the students' F-1 status is current. If the student was in valid OPT/EAD, the student is allowed to continue to work while the change of status is pending. If the student had entered the 60-day grace period when the H-1B petition is filed, the student will receive the cap-gap extension of time but will not be work authorized. During this cap-gap period, students must update their DSOs of their H-1B filing status.

If USCIS denies, rejects or revokes the H-1B petition filed on behalf of the F-1 student covered by

the cap-gap extension, the student will have a grace period (from the USCIS notification date) before he or she is required to depart the U.S. For additional information, click [here](#)

## Best Life Tips:

**You might want to stand to read this - Sitting is the new smoking!**

Sitting has been found to be as dangerous to our long-term health as much as tobacco use and yet most of us spend a significant part of our days sitting. Chairs are modern tools that force our bodies into unnatural slumped-over positions for dangerously periods of times. As a result, we are getting gradually weaker, gaining weight and becoming more susceptible to diabetes, heart disease and depression.



A 2013 survey of 30,000 women found that those that sat for nine or more hours a day were more likely to be depressed because prolonged sitting reduces circulation causing less endorphin's to reach the brain.

Our bodies were designed to move and doing so will help you be happier, healthier and more productive. Here are some tips to regain and maintain postural health and strength:

*-Consider standing breaks, using a standing work station or furniture that facilitates "active sitting".* I have been using a standing desk to work for about four months and love it! Many other have achieved remarkable success while standing up on the job including Ernest Hemingway, Mark Twain, Winston Churchill, Benjamin Franklin and Marks Gray, Shareholder Ed Birk. To find more tips, click [here](#).

*To excellent health and quality of life!*

## NEW and NOTEWORTHY

➔ March is National Prostate Cancer Awareness Month and our firm showed their united support against the disease by wearing the color blue. The Blue Star is the official symbol of colorectal cancer.

➔ On Friday, March 7, the Jacksonville Women's Network celebrated International Women's Day and I had the honor to be their keynote speaker and spoke about the positive contributions of immigrants to our Northeast Florida community.



Go Blue!

➔ On Wednesday, March 5, I had the privilege of being a panelist at the "To EB-5 or Not to EB-5?" presentation to the Commercial Real Estate Women (CREW) of Jacksonville.

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