



Immigration Update

February, 2014

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About the Author



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To receive the most up to date information relating to immigration issues that affect you most. Please

Team USA's Inspiring Foreign-Born Athletes

Have you been watching the incredible and exhilarating

Olympics being held in Sochi?

As part of our newsletter, we would like to recognize some of the foreign-born athletes that are representing our country:



- Paul Stastny - Hockey
- Cam Fowler - Hockey
- Laurene Ross - Alpine Ski
- Simon Shnapir - Figure Skater
- Debbie McCormick - Curler

Go Team USA and best wishes to all!

It's Prep Time for New H-1 Petitions

On April 1, 2014, USCIS will begin accepting new H-1B visa petitions for an employment start date of October 1, 2014. We expect a repeat of 2013, where the H-1B cap was reached during the first week of filing because the demand for these visas exceeded their availability and USCIS conducted a lottery. Once the cap is reached, employers are unable to file new cap-subject H-1B petitions until April 1, 2015. We strongly advise clients and readers to make H-1B sponsorship decisions by March 1st so that the petitions can be ready for filing before April 1st. Each petition requires a certification by DOL that must be filed at least fifteen days before April 1st. For additional information, click [here](#).



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OSC Immigration Related Investigations and Settlements

In January, OSC settled two cases involving allegations of discrimination under the Immigration and Nationality Act (INA). In these cases, employers imposed additional hiring requirements for non-citizens. One of the cases arose out of a referral to OSC from the USCIS E-Verify Unit. Under the settlement agreements, the employers not only have to pay civil fines but they must also engage in a variety of additional requirements such as: identify and reach non-citizen applicants not considered and provide them with an opportunity to reapply; provide back pay from lost employment resulting from the discriminatory act; review and change policies and practices to prevent unlawful discrimination; undergo and provide training; and be subject to monitoring and additional audits and reporting for at least a year. These settlements show that OSC is continuing the 2013 trend to vigorously investigate charges of discrimination under the INA and assess fines and other requirements. Click [here](#) to read details on the City of Waterloo, Iowa case and [here](#) to read the case of SD Staffing, LLC.



March Visa Bulletin

The March 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 by five (5) weeks to February 15, 2009. EB-3 China and Mexico move forward by three (3) months to September 1, 2012. EB-3 Philippines moves forward by two (2) weeks to May 1, 2007, while EB-3 India moves forward by two (2) weeks to September 15, 2003. Click [here](#) to read the entire bulletin which also provides insights as to future movement in dates, or lack thereof.



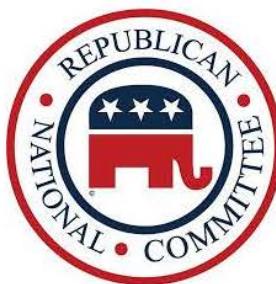
USCIS Revises Application for Naturalization

The new form is significantly different and longer - an increase to 21 pages from 10 pages. It includes more extensive questions about crimes, other bars to naturalization and the applicant's parents. There is a 90-day period to transition to the new form which becomes effective May 5th. Eligible applicants should apply before the new form becomes effective or plan to spend a significant amount of time gathering information and completing the new application. It is of note, the form has



changed but the eligibility requirements for naturalization have not changed. For more information, click [here](#).

Update on Immigration Reform



Despite the release of the House's Principles on Immigration Reform, we don't expect much meaningful action on this matter until the spring and summer of 2014, when most GOP primaries will be finished. Thereafter, the released GOP standards for immigration reform are likely to continue to progress. The proposed step-by-step approach proposed by the House includes: successfully securing borders; the full implementation of an entry-exit system; a 'zero tolerance' for those who cross the border illegally or may have overstayed their visas; reforming the visa process for high and low skilled workers; implementation of an electronic employment verification system; providing an opportunity for the legalization of children who were brought to the U.S. as youth; and a potentially lengthy path to legalization for other undocumented immigrants. There are many details that will need to be worked out, but it is encouraging to see the release of these Principles. Stay tuned for additional information.

NEW and NOTEWORTHY

→ Jax Chamber Celebrates its 129th Annual Meeting. Over 1,000 members enjoyed food, drinks and fireworks.

→ I have been honored to serve as General Counsel for the Jax Chamber from 2010-2012, as International Chair in 2013 and in 2014, I was appointed as Vice Chair of Government Affairs. I look forward to continue to work to make our community the best place to work, live and play.



→ On February 12th, I had the privilege of being a panelist at "Influencing Change", an event organized by the CAPtivators, a dynamic and inspiring group of Jacksonville young professionals who are also fans of the Arts. I joined leading local executives to discuss how leaders can impact Jacksonville and create a more prosperous, active and thriving environment through arts, cultural and professional development.

For more information about Marks Gray, P.A. and our immigration practice, click [here](#).

Sincerely,



Giselle Carson
Shareholder
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