



**Marks Gray Immigration Update
September, 2014**

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New Visa Processing Fees

If you are applying for a nonimmigrant or immigrant visa in September, please check the new processing fee schedule. On September 12, 2014, visa application fees for certain visas changed. Fees will not be adjusted for those who have already paid. All visa applicants must pay the amount in effect the day they pay, with the exception of Immigrant Visa application processing fees paid to the National Visa Center (NVC), which will be effective as of the date of billing. For more information about the fees, please click [here](#).



CBP Launces New App

The U.S. Customs and Border Protection (CBP) announced the launch of an new App, Mobile Passport Control (MCP), intends to expedite traveler's entry process. MCP will allow eligible travelers to submit passport and customs declaration information via a smartphone or tablet before CBP inspection. A pilot program at Hartsfield-Jackson Atlanta is underway. It is expected to expand to other airports later this year. For more information, please click [here](#).

OSC Weighs in on Employer Over- Documenting on the Form I-9

In a request for guidance, OSC advised that it is not aware of any publicly available guidance on steps an employer should take if they accepted too many documents during the I-9 process. OSC noted that an employer may violate the anti-discrimination provision of the INA if it requests more or different documents



than required, or rejects "reasonably genuine-looking documents." Whether a violation occurs depends on the reason for the request. To read the OSC's guidance, please click [here](#).

"Our company", instead of Employer's Name, on PERM Notice Proves Insufficient

During the first step of the "green card" process, an employer is required to post a "Notice of Filing" announcing their intent to file a labor certification. On August 28, 2014, the Board of Alien Labor Certification Appeals (BALCA) held that an employer's name must be explicitly stated on the Notice of Filing. In *Matter of Tera Technologies, Inc.*, the employer argued that it complied with the regulations, because it used the phrase "our company" on its notice and that should have been sufficient to provide notice. BALCA declined to accept the employer's argument or prior decisions utilizing the equitable exception and affirmed the PERM's denial. To read the decision, please click [here](#).

October Visa Bulletin Released

There was a slight forward movement in most of the employment and family-based categories. All EB-5 visa categories, including China, are current. The increased visa demand requires holding the India EB-2 preference date at May 1, 2009, to keep usage within the FY2015 annual limit, and DOS has advised that India EB-2 is likely to retrogress to 2005 sometime soon. Those eligible to apply for adjustment based on the current priority dates should plan to do it soon before the window of opportunity closes. Please click [here](#).

Q: What is a B-1 Visa?

A. The B-1 visa is for business travel such as to consult with business associates, attend a scientific, educational, professional or business conference, settle an estate, or negotiate a contract. The definition of "business" in this instance is limited, and does not generally allow for gainful employment.



Citizens of one of the 37 countries participating in the Visa Waiver Program can apply to obtain an Electronic System for Travel Authorization (ESTA). Unlike the B-1 visa, the ESTA is not a visa and it does not meet the legal requirements to serve in lieu of a U.S. visa when a visa is required. Click [here](#) to read more.

Best Life Tips: Tea Time

Research shows that tea drinkers live a longer and healthier life than those who do not drink tea. Tea contains numerous antioxidants and, according to the study, those who drink it have lower blood pressure as well as a lower BMI. The study further states tea drinkers have lower cholesterol levels, smoked less tobacco, were physically more active than non-tea drinkers and had a reduced risk of developing heart problems. To find out more information related to the study, please visit [here](#).



Immigration
SUCCESS STORIES

U.K. Business Visa

Our client is a very successful and innovative technology company that expanded to the U.K. As a result, they needed executives and managers to travel frequently to the U.K., at times for extended periods of time.

Initially, these executives and managers were traveling as business visitors without a visa stamp. However, after multiple entries a U.K. immigration officer advised that in the future, they might be denied admission unless they had the appropriate business visa.

When travelers are refused entry, the U.K. authorities usually order the applicant for admission returned to the airport from which they last departed, regardless of nationality or place of residence. Neither the U.S. Government nor the U.S. Embassy in London can intervene on the applicant's behalf.

We worked with our client to evaluate the case and identify the proper visa, prepared the applications and supporting documents and guided them through the visa application process. A few weeks later, the first U.K. Business Visitor Visa was issued to one of the company's executive. Now, he is ready to travel to and from the U.K. for two years without having to worry about not being admitted or detained in secondary inspection.

Please use the link below to **'Forward this email'** to others that might benefit. If you have suggestions, feedback or would like to learn more about me, please click [here](#).

Be Well!



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