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**Marks Gray Immigration Update
November, 2014**

Immigration Update and Happy Holidays!

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Unique Knowledge of Traditions and Cultures Supports L-1B Approval

In *Fogo De Chao v. DHS*, the Appellate Court reversed the USCIS' decision to deny an L-1B petition and held that the knowledge a person gains as a result of his or her upbringing, family, community traditions and native culture can be considered "specialized knowledge" in determining whether a person qualifies for L-1B status. In this case, the employer, Fogo, filed a petition on behalf of a Brazilian churrasquero, a restaurant employee with specialized knowledge in Brazilian food preparation. He gained this specialized knowledge as a result of his upbringing and unique work experience in Brazil.

USCIS determined that the beneficiary's authentic culinary skills and knowledge gained through his life experiences were not "specialized knowledge" of the company's product. The appellate court disagreed and held that nothing in the statute precludes culturally acquired knowledge from being taken into account as "specialized knowledge" for L-1B visa consideration. This decision broadens the options for L-1B specialized knowledge advocacy. To read the decision, please visit [here](#).



USCIS Launches myE-Verify for Employees



myE-Verify is described as a "one-stop shop" for employees to open and manage a personal account giving them access to employment-related identity protection services. It is currently equipped with these services: 1) myE-Verify accounts - a free personal account to manage use of one's information in E-Verify and Self Check; 2) Self Lock - allows individuals to place a "lock" on their social security number (SSN) to help prevent unauthorized use of their SSN by another person. If their SSN is used, it will result in a Self Lock mismatch; and 3) myResources - a multimedia library for employees with these components: Employee Rights Toolkit, Your Rights with myE-Verify, Employer's Responsibilities and Privacy is Our Commitment. To learn more about myE-Verify, please visit [here](#).



Learn about Immigration Processing Times

Processing times can fluctuate significantly and it is good for foreign nationals to check on these from time to time to better plan for their futures. Follow these links to access current processing times of the USCIS Service Centers, the Department of Labor and/or the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:

- [USCIS Service Center processing times online](#)
- [Department of Labor processing times and information on backlogs](#)
- [Department of State Visa Bulletin](#)
- [Visa application wait times for any post](#)



The Future of Immigration Reform

With the 2016 elections focused on national issues, our elected officials and candidates should have an incentive to work to enact immigration reform for the betterment and competitiveness of our country. The President has indicated that he might take Executive Action but has not offered details on what that might be. It is expected that he might expand Deferred Action. Republican leaders have acknowledged that they will work to enact bipartisan bills. One item remains clear - Immigration will continue to be a hot issue in the White House and Congress in the years to come.

U.S. and China agree to ease visa regulations

Under the new regulations, U.S. and Chinese business and tourist visa applicants may be able to obtain 10-year multiple-entry B nonimmigrant visas. Previously, the B visa validity was for one year. Students and exchange visitors can now apply for 5-year multiple-entry F, M, or J visas. Chinese citizens are the largest applicants of B nonimmigrant visas to the U.S. and these visa changes are likely to increase the number of these applications. To learn more or find answers to frequently asked questions, please visit [here](#).



PERM Recruitment

What recruitment steps are required under PERM?

PERM requires employers to undergo specific forms of recruitment within the six months prior to filing the PERM application. These forms of recruitment include: a 30 day job order with the State Workforce Agency (SWA), an internal notice of filing the job opportunity at the place of employment and two Sunday ads in the newspaper of general circulation. To continue, please click [here](#).

**Best Life Tips: To Healthy Holidays!**

With the holidays fast approaching, remember to set aside time for yourself, friends and family. It can prove a challenge to take time for yourself and eat healthy. I hope these simple tips will help you enjoy a healthy and joyful holiday season.

- Enjoy and focus on the people, not the food. Remember that holiday parties and social functions are to get together and enjoy others company.
- Make the occasional party the exception to your diet, *not* the rule. Don't let one or two holiday events be the excuse for falling off the wagon till New Year's.
- Prepare so you don't arrive at a holiday party on an empty stomach.
- Choose wisely from the foods available at holiday functions.
- Eat slowly and mindfully. Our bodies need about 20 minutes to realize that we are full.
- Drink responsibly and consider alternatives to alcohol, such as sparkling water or non-alcoholic drinks. If you decide to drink alcohol, choose white or red wine, rather than champagne or hard liquor.
- Stay active during the holidays. Enjoy the time off to be outdoors and exercise.
- Be careful of leftovers. Share with others. Don't be tempted to finish them by yourself.

NEW AND NOTEWORTHY



Marks Gray continues to support Northeast Florida United Way and others!

Our commitment to charity is strong. This year we increased our United Way commitment by about 15%! On October 31, our employees donated money to wear their favorite denim and costumes to support the United Way. And, throughout the year, we



have supported many local charities to benefit others.



Giselle Carson

Thank you for your support and readership through the years. This is our final Immigration Update for 2014. On behalf of Marks Gray and our Immigration practice group, I wish you a very Happy Holiday Season. We will be back in January, 2015 with immigration news relevant to you and your business.

Cheerfully,

Marks Gray, P.A.
1200 Riverplace Boulevard
Suite 800
Jacksonville, FL 32207
904.398.0900
| gcarson@marksgray.com |

www.marksgray.com

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