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Marks Gray Immigration Bulletin - August 2016



# Immigration Bulletin



**Giselle Carson, Esq.**  
Shareholder  
Immigration Attorney



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

**Hello, and Welcome to our August Immigration Update!**

I hope you and your families had a wonderful summer and are preparing for a productive fall.

This newsletter provides updates on processing times and unavailability of certain categories of immigrant visas until the new fiscal year which begins October 1, 2016. I am also sharing an E-2 visa five-year renewal success story that our team handled, provide tips in developing an immigration business plan and share Marks Gray's community service team contributions to our community.

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



## **Beyond the H-1B Book to be Published**

As we highlighted in the July issue, we are putting the finishing touches on my first Immigration book – *Beyond the H-1B: A Guide to Work Visa Options for Employers, Foreign Nationals, and Graduating Students*. This book is designed to help readers understand the most commonly used work visas under U.S. immigration law considering the limited availability of H-1Bs. We'd like for our readers to get a preview.

[Click here](#) to read an excerpt from the book and let us know what you think. I look forward to your feedback.

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## I-9 Verification and Automatic EAD Extension for TPS holders

The DHS may designate a country for Temporary Protected Status (TPS) when it has determined that conditions in that country would result in a threat to the personal safety of individuals if they returned home (i.e. armed conflict, epidemic, or earthquake). Citizens of that country in the U.S. can apply for TPS status.

Currently, several countries have been designated for TPS including:

- El Salvador
- Haiti
- Honduras
- Nicaragua
- Somalia
- Sudan
- South Sudan
- Syria

Once a person has been granted TPS, he/she is not removable from the U.S., can apply for an employment authorization document (EAD), and may be granted travel authorization.

To read the full article, [click here](#).

## USCIS Reported Ongoing Capacity Issues and Delays

The United States Citizenship and Immigration Services (USCIS) has experienced ongoing processing delays which are leading to slower processing times for immigration benefits, particularly for H-1B petitions. Many employers using regular processing are waiting 6-8 months for an H-1B adjudication including new filings and extension. If you are an employer or employee with an upcoming or pending H-1B filing, you should plan for these delays which will also affect plans to travel abroad.

The USCIS has advised that it is now prioritizing cap-subject H-1B filed for Fiscal Year 2017 (FY17) where beneficiaries are receiving "cap gap" status and work authorization extensions through September 30, 2016. As a result, we have begun receiving approvals of regularly filed cap-subject new H-1B. All of our premium processed cap-subject FY17 H-1B have been adjudicated.

To review our previous posts about USCIS processing and FY17 updates, [click here](#).

## E-2 Visa Five Year Extension Approved for Canadian Citizen at the U.S. Consulate in Toronto - An Immigration Success Story

We are very proud to assist U.S. employers and immigrants from all over the world achieve their goals. Here, I share another success story involving the renewal and extension of an E-2 visa processed at the U.S. Consulate in Toronto, Canada. Our client, the manager of a niche

## AROUND MARKS GRAY

### Marks Gray Donates to Jacksonville Humane Society



Our Community Service Committee continues to undertake events to help improve our community including its furry friends! Our attorneys and staff donated supplies and funds to the local humane society shelter to help meet its ongoing supply needs. It certainly wasn't a "ruff" task for our team to accomplish!

### Marks Gray Donates to United Way of Northeast Florida's Stuff the Bus School Supply Drive



The Marks Gray team participated in a school supply drive to benefit the United Way of Northeast Florida's annual Stuff the Bus campaign. Our donations included pens, pencils, binders, backpacks, paper, glue, crayons, calculators, and any other school supply you can imagine. The items go to deserving students and classrooms across Duval County.

automotive shop, his wife, and two children are happy to be back in the U.S. after a smooth visa renewal and five-year extension.

For the full story and to learn more about how the Marks Gray Immigration team may assist you, [click here](#).

## What Does it Take to Create a Successful Immigration Business Plan for L-1s and E-2 Investor Visas?

The business plan plays a very important role in an immigration filing. It is one of the key documents immigration officers rely on to determine whether the company's investment meets the immigration requirements. It is critical that applicants learn about the business plan requirements and allocate time and resources to develop a complete and credible plan. In a recent decision, the immigration court noted that "the company's four-page business plan was wholly inadequate and failed to meet the company's burden".

To download the full business plan, [click here](#).

## DOS Announces Visa Retrogression

Due to continued high demand for immigrant visas, the U.S Department of State (DOS) announced cut-off dates for permanent residence applicants under the employment-based EB-1 category for India and China and all applicants in the second preference EB-2 category.

EB-1 Visas are primarily reserved for priority workers and historically remained current for all applicants throughout the year. Meaning that these applicants did not have to wait for visa availability to apply for an immigrant visa. Eligible individuals could file an adjustment without a backlog. However, the high demand led DOS to establish January 1, 2010, the cut-off date for EB-1 applicants from India and China.

EB-2 Visas are reserved for positions requiring advanced degrees and individuals of "exceptional ability." This category is typically subject to a backlog due to high demand from India and China. However, starting in August the cut-off of February 1, 2014, will be applied to applicants from all countries.

To read the full blog post, [click here](#).

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