

January 18, 2017

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Immigration Law Update

Current Developments in Immigration

This is the latest installment in our efforts to keep you apprised of the rapidly changing U.S. immigration environment. Some of the most recent changes could have a serious impact on you or your employees, and we urge you to communicate these changes to interested parties.

Partner Brad Ortman Addressed Immigration Policy in the Trump Administration

On Tuesday, January 17, 2017, Brad Ortman joined two other immigration attorneys on a panel before the Greater Cleveland International Lawyers Group (GCILG) at the City Club of Cleveland, discussing what to expect from the Trump Administration on Immigration Policy. The GCILG holds monthly lunch meetings and invites experts in international law from around the world.



New Form I-9 Released by USCIS

The USCIS has released a **new Form I-9**. Employers must begin using it on or before January 22, 2017. Please contact our office if you have any

concerns or questions regarding your organization's I-9 compliance and audit readiness.

Form I-9 requirements were established in November 1986 when Congress passed the Immigration Reform and Control Act (IRCA). IRCA prohibits employers from hiring people, including U.S. citizens, for employment in the United States without verifying their identity and employment authorization on Form I-9.



Among the changes in the Form I-9, Section 1 asks for "other last names used" rather than "other names used," and streamlines certification for certain foreign nationals. The new I-9 includes a dedicated area for including additional information that previously had to be added in the margins, and it provides the opportunity to enter multiple preparers and translators. The I-9 instructions are now separate from the form itself, and the online version includes on-screen instructions for each field.



DHS Announces Final Rule for High-Skilled Non-Immigrant Workers



The DHS has announced comprehensive new regulations that will go into effect on January 17, 2017. Most of the 37 regulations codify existing USCIS practice, but there are also several new regulations and proposals. Among the more noteworthy are the following:

Grace Periods - Nonimmigrants in E-1, E-2, E-3, H-1B, H-1B1, L-1, O-1, and TN status are eligible for a 60-day grace period to leave the United States if their employment ends during their period of petition validity.

Employment authorization for compelling circumstances - Non-immigrants currently in valid E-3, H-1B, H-1B1, O-1, or L-1 status may apply for one year of employment authorization if: they are the beneficiaries of an approved employment-based petition, an immigrant visa is not immediately available, and they can demonstrate compelling circumstances. In this circumstance, spouses and children may apply concurrently for employment authorization. Non-immigrants may renew such authorization before their EAD expires if they are the beneficiary of an approved EB-1, EB-2, or EB-3 immigrant visa petition and either they continue to face compelling circumstances or there is less than a year difference between their priority date and the then current visa bulletin final action priority date.

For additional information about any of the topics presented here, please contact us. If you would prefer not to receive future e-mails of this nature, please unsubscribe on the link below.

Sincerely,

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