

May 9, 2016

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Immigration Law Update

Current Developments in Immigration

Dear Julie,

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.

USCIS Completes Data Entry for FY 2017 H-1B Cap.

USCIS announced last week that it has completed all data entry for all H-1B cap-subject petitions randomly selected under the fiscal year 2017 H-1B Cap. This means that USCIS will now begin to return petitions that were not selected in the H-1B lottery, although there is no specific time frame on when these petitions will be returned.

In order to balance the distribution of cap cases and workloads, USCIS will transfer some H-1B cap subject petitions from the Vermont Service Center to the California Service Center. Petitioners will be notified by mail if their case was chosen for transfer. USCIS will begin processing H-1B petitions filed under premium processing on May 12, 2016.

Possible OPT STEM Extension

If you were not chosen under this year's H-1B Cap, and are currently working in the U.S. in F-1 OPT status, there is the possibility that you are eligible for a 24 month or 7 month STEM OPT extension. Students working pursuant to their initial 12 month OPT may be eligible for a 24 month STEM OPT extension as long as their employer completes an I-983 training plan.

Further, under the new regulations, students that are currently working pursuant to a 17 month STEM extension may also be eligible to apply for an additional 7 month extension so long as

they meet certain requirements, including:

1. Have at least 150 days remaining on their current EAD at the time of filing the extension request;
2. The student's DSO has recommended additional time after the student and their employer have completed an I-983 training plan; and
3. The student requests the 7 month extension within 60 days from the date their DSO recommended the 7 month extension.

USCIS will only accept applications for 7 month extensions from May 10-August 8, 2016. While the additional 7 months of OPT employment is certainly a welcome change, additional changes to the OPT STEM extension program have changed the landscape for these applications, requiring actual documentation and oversight of the OPT training program from employers. If you believe you or your employee may benefit from a 7 month STEM extension, we strongly recommend contacting us so that we may assist you with the application process, and ensure the application is timely and properly filed.

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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