

Change of Status Non-Immigrant Visa Categories

Overview of recent changes in policies and regulations and the impact of these changes on NIV processing. How best to advise your clients facing lengthy adjudications, avoiding overstay and unlawful presence.

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Hire American Buy American Executive Order

- Directs the DHS to coordinate with other agencies, to ensure H-1B visas are awarded to the most-skilled or highest paid beneficiaries.
- Enhanced the current site visit program to include L-1B, in addition to H-1B and L-1.
- Created streamline process for the public to report fraud.
- Enhanced information sharing between different agencies, DOS, DOL, DOJ. See MOU of May 11, 2018.

Statistics on Requests for evidence & denials

- Per the July 2018 issue of the National Foundation for American Policy, RFEs and denials have spiked.
- The number of H-1B RFEs in the 4th quarter of FY 2017 almost equaled the total number of RFEs issued for the first 3 quarters of 2017 combined.
- H-1B denials were increased by 41% from the 3rd to 4th quarter of FY 2017, rising from a denial rate of 15.9% in the 3rd quarter to 22.4% in the 4th quarter.
- And then - Policy Memo on discretion to deny without an RFE.

B1/B2

30/60/90 Day Rule & Misrepresentation

- B1/B2
- Managers/executives entering for meetings, interrogated by CBP regarding purpose of the meeting.
- Turned back, told by CBP to get an L.
- Documenting interactions with other agencies.
- Inconsistent conduct within 90 days: 9 FAM 302.9-4 (B)(3)g(2)
- Misrepresentation: 9 FAM 302.9-4 (B)(3)

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