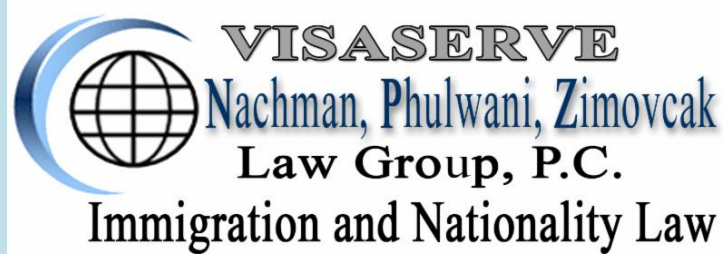


Hi, just a reminder that you're receiving this email because you have expressed an interest in Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. (f/k/a, Nachman & Associates, P.C.) - Don't forget to add info@visaserve.com and david\_nachman@visaserve.com to your address book so we can be sure to land in your inbox!

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## Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. - U.S. and Canadian Immigration and Nationality Law Newsletter and Updates.



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### In This Issue:

[ABCs OF H-1Bs \(THIS IS PART II OF AN VIII PART SERIES\). HOW MUCH DO PROSPECTIVE H-1B EMPLOYERS NEED TO PAY TO H-1B EMPLOYEES AND WHY THE FEDERALLY MANDATED PREVAILING WAGE IS SO IMPORTANT.](#)

[ABCs OF H-1Bs \(THIS IS PART III OF AN VIII PART SERIES\): WHAT H-1B EMPLOYERS NEED TO KNOW ABOUT THE LCA TO AVOID POTENTIAL DOL COMPLIANCE PITFALLS.](#)

[GLOBAL CAP BENEFICIARY! ABCs OF H-1Bs \(THIS IS PART IV OF AN VIII](#)

### Dear Readers:

This past week Congress had an opportunity to try to negotiate some new U.S. immigration law provisions. There appears to have been a big battle over the "Dreamer" provisions, the "Wall" and the potential future of chain immigration (family immigration law). Unfortunately, everything looks like a "big stall".

As immigration law enforcement continues to heat-up, our phones continue to buzz with information from callers about rumors about changes in the law that have not yet taken effect. We remind our readers to continue to "stay tuned" to our releases for reliable U.S. immigration and nationality law updates.

This week, several of NPZ's U.S. immigration lawyers will be traveling to India and meeting with friends, clients and Consulate Officials. As the 2018-2019 H-1B Season continues to "heat-up" we also continue to remind our clients (and potential clients) to closely "follow our lead(s)" and prepare H-1B supporting documents and information to ensure that the H-1B cap deadline of April 2nd is met.

We remind our readers about our March 15th 2018 event at FDU for HR Managers and Professionals concerning I-9 Updates, E-Verify, H-1B audits and DOL investigations. Please feel free to register for three (3) FREE HRCI Credits by e-mailing us at

[PART SERIES\): THE WHYS AND HOWS OF EDUCATION AND/OR EXPERIENCE EVALUATIONS IN THE CONTEXT OF H-1B VISA PREPARATION AND FILING.](#)

[DHS ANNOUNCES THE ESTABLISHMENT OF THE NATIONAL VETTING CENTER \(NVC\).](#)

[HOW DO I QUALIFY FOR AN EB-5 INVESTOR VISA GREEN CARD?](#)

[USCIS IS STRENGTHENING SCREENING FOR FAMILY MEMBERS ABROAD SEEKING TO JOIN REFUGEES IN THE UNITED STATES.](#)

[DOS VISA BULLETIN FOR FEBRUARY 2018: DOS VISA BULLETIN UPDATE - VISA BULLETIN FOR FEBRUARY 2018 - IF YOUR PRIORITY DATE IS CURRENT, PLEASE LET US KNOW?](#)

[O fim do TPS para os cidadãos de El Salvador e a avaliação de advogados do NPZ Law Group . . .](#)

[NPZ VIDEO UPDATE: H-1B SEASON 2018-2019 IS RIGHT AROUND THE CORNER - ARE YOUR HR PROFESSIONALS PREPARED?](#)

[NPZ VIDEO UPDATE: H-1B SEASON 2018-2019 IS RIGHT AROUND THE CORNER - ARE YOUR HR PROFESSIONALS PREPARED?](#)

## UPCOMING EVENTS

Updates On Form I-9, E-Verify and IMAGE in the

[info@visaserve.com](mailto:info@visaserve.com)

If you, your friends, members of your family or your colleagues feel that you may be able to benefit from an understanding about your US immigration and nationality law options, we invite you to contact the immigration and nationality lawyers at the Nachman Phulwani Zimovcak (NPZ) Law Group by emailing us at [info@visaserve.com](mailto:info@visaserve.com) or you can call us at 201-670-0006 (x107).

**ABC's OF H-1Bs (THIS IS PART II OF AN VIII PART SERIES). HOW MUCH DO PROSPECTIVE H-1B EMPLOYERS NEED TO PAY TO H-1B EMPLOYEES AND WHY THE FEDERALLY MANDATED PREVAILING WAGE IS SO IMPORTANT.**

Employers who seek to hire an H-1B nonimmigrant in a specialty occupation must first make a filing with the Department of Labor (DOL) and obtain a Labor Condition Application (LCA). The LCA, among other things, must specify the number of workers sought, the occupational classification in which the H-1B will be employed, and the wage rate and conditions under which the proposed H-1B nonimmigrant will be employed. Additionally, the employer must attest that it is offering, and will continue to offer, during the period of H-1B employment, the greater of: (1) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment position in question; OR (2) the prevailing wage level for the occupational classification in the intended area of employment.

[TO READ MORE, PLEASE CLICK HERE . . .](#)

**ABCs OF H-1Bs (THIS IS PART III OF AN VIII PART SERIES): WHAT H-1B EMPLOYERS NEED TO KNOW ABOUT THE LCA TO AVOID POTENTIAL DOL COMPLIANCE PITFALLS.**

The H-1B visa program permits a United States employer ("employer") to temporarily employ nonimmigrants to fill specialized jobs in the United States. The Immigration and Nationality Act (the "INA" or the "Act") requires that an employer pay an H-1B worker the higher of the actual wage or the local prevailing wage, in order to protect U.S. workers and their wages. Under the Act, an employer seeking to hire a foreign national in a specialty occupation on an H-1B visa must receive permission from the Department of Labor ("DOL") before the foreign national may obtain an H-1B visa. The Act defines a "specialty occupation" as an occupation requiring the application of highly-specialized knowledge and the attainment of a bachelor's degree or higher. The Act requires an employer seeking permission to employ an H-1B worker to submit and receive an approved Labor Condition Application ("LCA") from the DOL.

[TO READ MORE, PLEASE CLICK HERE . . .](#)

**GLOBAL CAP BENEFICIARY! ABCs OF H-1Bs (THIS IS PART IV OF AN VIII PART SERIES): THE WHYS AND HOWS OF EDUCATION AND/OR EXPERIENCE EVALUATIONS IN THE CONTEXT OF H-1B VISA PREPARATION AND FILING.**

The threshold question for an H-1B nonimmigrant work visa is whether the intending H-1B nonimmigrant has the equivalence of a

# New Trump Era and H-1B Site Visits and DOL Audits and Investigations for HR Professionals.

**When: March  
15th, 2018**

**Where:  
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(FDU),  
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07940**

**Building:  
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**US Laws  
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Business by  
Indian Nationals /  
Corporate in  
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U.S. Bachelor's Degree. Most of the prospective H-1B employees and H-1B employers begin with either of the following two thoughts: "I would like to work in the U.S. using an H-1B visa, but am not sure if I qualify" or "I want to hire a foreign worker but not sure if the individual qualifies for an H-1B visa."

As briefly touched upon in Part I of this VIII Part H-1B series, it is mandatory that not only the prospective H-1B employee ("H-1B employee" or "Beneficiary") but both the proffered position and prospective employee should be qualified to be able to obtain the H-1B nonimmigrant work visa. Building upon the previous articles, the following will explore the importance of educational and/or experience equivalency evaluations, and explain precautions that an employer and/or prospective H-1B employee can take in order to avoid a dreaded Request-for-Evidence (RFE) and/or Notice of Intent To Deny (NOID) the H-1B nonimmigrant petition.

**[TO READ MORE, PLEASE CLICK HERE . . .](#)**

## **DHS ANNOUNCES THE ESTABLISHMENT OF THE NATIONAL VETTING CENTER (NVC).**

On February 7th, 2018, Secretary of Homeland Security Kirstjen M. Nielsen released the following statement on President Donald J. Trump's signing of a National Security Presidential Memorandum to establish a National Vetting Center (NVC):

"As part of the President's efforts to raise the global bar for security and protect Americans, we've put in place tougher vetting and tighter screening for all individuals seeking to enter the United States. The National Vetting Center will support unprecedented work by DHS and the entire U.S. intelligence community to keep terrorists, violent criminals, and other dangerous individuals from reaching our shores. This is yet another step towards knowing who is coming to the United States - that they are who they say they are and that they do not pose a threat to our nation.

Our frontline defenders need real-time information to protect our country, and the Center will ensure they are able to fuse intelligence and law enforcement data from across the government in one place to detect threats early. As part of this effort, DHS and its partners will make certain that mechanisms are in place to ensure that the National Vetting Center is able to accomplish its mission while protecting individuals' privacy, civil rights and civil liberties."

**[TO READ MORE, PLEASE CLICK HERE . . .](#)**

## **HOW DO I QUALIFY FOR AN EB-5 INVESTOR VISA GREEN CARD?**

The EB-5 program was created in 1990 by Congress to help the United States economy via capital investment and job creation by foreign investors. It lets entrepreneurs, along with their spouses and unmarried children, become eligible for a green card if they

1. Make the proper investment in a US commercial enterprise (\$1 million minimum)
2. Have a plan to create or preserve 10 full-time, permanent jobs for qualified workers in the US

**the Latest  
Updated on US  
Immigration  
Laws).**

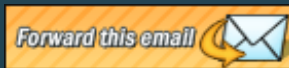
**Lecture-Meeting  
on International  
Taxation INDO-  
USA Business  
Migrations.**

**Where: ICAI  
Tower, Bandra  
Kurla Complex,  
Mumbai, India**

**When: February  
22nd, 2018**

**Time: 5:30 PM  
to 8:30 PM**

**FOR DETAILED  
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If a petition is approved, then the investor, their spouse, and dependents will go into a conditional permanent residence for two years. Evidence that the requirements have been met must be submitted 90 days before the conditional residence ends. The US Citizenship and Immigration Services (USCIS) then reviews the information and approves the green card once all the documentation is deemed to be acceptable.

**[TO READ MORE, PLEASE CLICK HERE ...](#)**

**USCIS IS STRENGTHENING SCREENING FOR FAMILY MEMBERS ABROAD SEEKING TO JOIN REFUGEES IN THE UNITED STATES.**

On February 1st, USCIS and the Department of State (DOS) implemented new procedures to ensure that all individuals admitted as refugees receive similar, thorough vetting - whether they are principal refugees, accompanying family members, or following-to-join refugees.

A following-to-join refugee is the spouse or child of a principal refugee who lives abroad and wishes to join the principal refugee in the United States.

These measures resulted from the 120-day review mandated by section 6(a) of Executive Order 13780, which specifically directed the Department of Homeland Security to determine what additional procedures should be implemented to ensure that individuals seeking admission as refugees do not pose a threat to the security and welfare of the United States.

**[FOR DETAILED INFORMATION, PLEASE CLICK HERE .](#)**

**DOS VISA BULLETIN UPDATE: VISA BULLETIN FOR FEBRUARY 2018 - IF YOUR "PRIORITY DATE" IS CURRENT PLEASE LET US KNOW?**

The employment-based, first preference (EB-1) category remains current for all countries of chargeability.

The cut-off date for India in the employment-based, second preference (EB-2) category moves ahead by about two weeks, to December 8th, 2008. EB-2 China advances by almost two months, to a new cutoff date of October 1st, 2013.

In the employment-based, third preference (EB-3) category, the cutoff date for India moves forward by one month, to December 1st, 2006. EB-3 China races ahead by five months, to September 15th, 2014. EB-3 Philippines advances by two weeks, to March 1st, 2016.

The cutoff dates for the EB-3 other workers category match those of the standard EB-3 category for all countries, except China. EB-3 other workers for China advances by about five weeks, to February 1st, 2007.

In the employment-based, fourth preference (EB-4) category, not including those for certain religious workers, the cutoff date remains current for all countries, except Mexico, El Salvador, Guatemala, and Honduras. EB4 Mexico's cutoff date advances by three weeks, to June 22nd, 2016. The cutoff date for the other three countries remains



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:: 201-670-0006 (X100)

:: [info@visaserve.com](mailto:info@visaserve.com)

:: [www.visaserve.com](http://www.visaserve.com)

**OUR OFFICES\*:**

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Phone: 201-670-0006  
(x107)

Please feel free to ask about our presence in Boston, MA. and in Chicago, IL.

\* Please note that our immigration law practice is national and international in scope. We assist our clients throughout the U.S. and throughout the world.

**OUR NEW - CENTRAL NEW JERSEY OFFICE:**

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Phone: 1-866-599-3625

**NEW YORK CITY OFFICE:**

108 West 39th Street  
8th Floor, Suite 800  
New York, NY 10018  
Phone: 1-866-599-3625

stationary, at December 1st, 2015.

[TO READ MORE, PLEASE CLICK HERE . . .](#)

**NPZ ASSISTS THE GREATER BRAZILIAN AND PORTUGUESE COMMUNITY - OUR STAFF SPEAKS PORTUGUESE AND MANY OTHER LANGUAGES.**

**O ABC do Visto H-1B (Parte 2 de um conjunto de 8 textos): Qual salário que um possível empregador de um funcionário com o visto H-1B precisa pagar a esse profissional e por que o salário prevalecente federal mandatório é tão importante?**

Empregadores que pretendem contratar um profissional com o visto de não imigrante H-1B para uma ocupação especializada devem primeiramente protocolar junto ao Departamento de Trabalho dos Estados Unidos (DOL) o Pedido de Condições de Trabalho (LCA) e aguardar o seu recebimento. O LCA, entre outras coisas, deve especificar o número de trabalhadores buscado, a classificação ocupacional em que o profissional com o visto H-1B será

[Para ler mais, por favor, clique aqui . . .](#)

**CHECKOUT VISASERVE'S REGULARLY UPDATED YOUTUBE VIDEO LIBRARY (SOME SELECTIONS BELOW) ABOUT U.S. AND CANADIAN IMMIGRATION LAWS:**

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**away!**

**NPZ ANNOUNCES THAT EMPLOYERS NEED TO BE AWARE THAT THE 2018-2019 H-1B SEASON WILL BE STARTING SOON - ANOTHER H-1B LOTTERY MEANS "IF YOU ARE NOT IN IT . . . YOU CANNOT WIN IT".**

**INDIANA OFFICE:**

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Indianapolis, IN 46204  
Phone: 317-936-6600

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ATT: Call Kaival at x107

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**Shekhar Raj Sharma**

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(This office provides "on the ground" services to our Indian clients such as India Divorce, India Real Estate Purchase and Sale,



On or about April 1st, 2018, United States Citizenship and Immigration Services (USCIS) will begin accepting cap-subject H-1B petitions for professional workers starting employment on October 1st, 2018. In past years, the high demand for this much sought after visa has resulted in an over-subscription of petition filings due to the limited number of visas available. There are only 65,000 visas available per fiscal year, with an additional 20,000 set aside for those who have graduated from master's degree programs in the United States.

H-1B visas are the most common temporary work permits available to foreign national professionals and employers should identify those who might require first time H-1B sponsorship. These might include:

- F-1 students currently working on OPT who require changes of status to H-1B;
- Highly sought after professionals currently located outside the United States seeking employment for the first time;
- Foreign nationals inside the United States currently holding other nonimmigrant status that will max out (i.e. L-1A or L-1B visas);
- Foreign nationals currently working in the United States in H-1B status working for a cap-exempt organization (not for profit or educational institution) who require a cap-subject H-1B to work for a private, for profit company; and
- TN NAFTA visa holders from Canada or Mexico who have spent much time in the United States and would benefit from a change of status to H-1B.

We anticipate that for this coming year, the H-1B cap will be reached the first week of April 2018.

If you are considering sponsorship of a foreign national for an H-1B visa this year, advance preparation is crucial to be ready and prepared for the filing period. A careful review of both the applicant's qualifications and position offered by the U.S. petitioning company is important to assure that the H-1B filing is approved by U.S. Citizenship Services.

Please feel free to contact the immigration and nationality lawyers at the NPZ Law Group to obtain an H-1B overview and checklists of information needed from the H-1B employer and the prospective H-1B employee. You can e-mail to us at [info@visaserve.com](mailto:info@visaserve.com) for this information. You can also visit our H-1B page at NPZ's H-1B Information Page.

**HAPPY CHINESE NEW YEAR 2018!**

