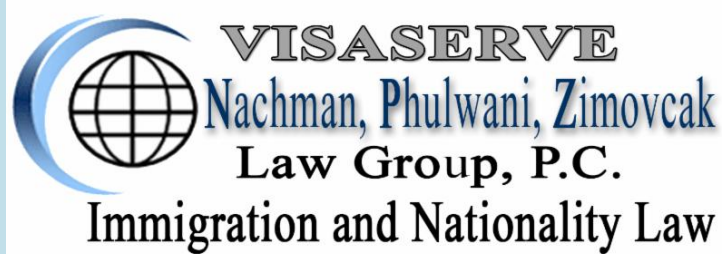


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In This Issue:

[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.](#)

[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:

As Nachman Phulwani Zimovcak (NPZ) Law Group's Immigration and Nationality Lawyers continue to prepare H-1B nonimmigrant work visas for the 2018-2019 filing deadline on April 2nd, we take a short pause to look at the H-1B visa lottery from the "20,000 foot view".

We continue to see the impact of President Trump's "Buy American ... Hire American"(BAHA) and "Extreme Vetting" policies that continue to impact the business immigration law arena.

With the recent announcement about the NEW NVC (National Vetting Center), it appears to clearly be the case that immigration processes in the U.S. will continue slow to a crawl.

The American Immigration Lawyers Association (AILA) this past week released a report detailing Trump's purported mission to expand immigration enforcement powers and to quash the exercise of "prosecutorial discretion" in immigration cases.

AILA's report finds that U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) are not prioritizing criminal convictions or public safety threats for removal, contrary to prior claims. Rather, these immigration agencies are

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

[ABCs OF H-1Bs \(THIS IS PART V OF AN VIII PART SERIES\): DOES MY MASTER'S DEGREE QUALIFY ME FOR THE H-1B MASTER'S CAP?](#)

[ABCs OF H-1Bs \(THIS IS PART VI OF AN VIII PART SERIES\): THE H-1B CAP WAS REACHED; DO I STILL HAVE A CHANCE OF GETTING AN H-1B VISA?](#)

[WHAT IF MY CASE DID NOT GET CHOSEN IN THE H-1B LOTTERY: EXPLORING WORK VISA OPTIONS BEYOND THE H-1B CAP \(PART VII of an VIII Part Series\)](#)

[DOS VISA BULLETIN UPDATE: VISA BULLETIN FOR APRIL 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 IMMIGRATION LAWYERS DISCUSS H-1B AND THE 2018-2019 H-1B VISA SEASON....](#)

UPCOMING EVENTS

H-1B Visa Considerations and Immigration Changes under Trump - SHRM - North Jersey and

seeking to deport those they can easily identify. They have "all but eliminated discretionary authority".

INFOPASS appointments continue to be very difficult to obtain. Government officials are more and more difficult to reach. Greater obstacles have been established, for us, as immigration lawyers, to hurdle.

We are facing challenging times in the practice of immigration law in the US. We continue to remind our clients to be "patient and persistent".

Nevertheless, our immigration law staff continues to work hard to find "creative solutions" for immigration law problems. Please feel free to reach out for us at 201-670-0006 (x107) if we can be of assistance to you, your colleagues, your family members, or any members of your staff.

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.

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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.

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Rockland County Chapter.

**When: March 21,
2018, 5:30 PM to
8:00 PM**

Location:

**Holiday Inn
Hasbrouck
Heights, 283 Rte.
17 South,
Hasbrouck
Heights, NJ
07604**

201-288-9600

**Investment Visas
and Other
Immigration
Opportunities to
the U.S.**

**Date: April 24th,
2018, 8:30 AM to
11:00 AM**

**Location:
Austria Trend
Hotel Bratislava,
Slovakia**

**2018 U.S.
Immigration
Law: Basics &
Beyond**

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 VALUATIONS 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 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."

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ABCs OF H-1Bs (THIS IS PART V OF AN VIII PART SERIES): DOES MY MASTER'S DEGREE QUALIFY ME FOR THE H-1B MASTER'S CAP?

Many F-1 visa holders, particularly those who are engaged in OPT change their immigration status to become professional and specialty workers (H-1B workers). The H-1B cap is the Congressionally-mandated limit on the number of individuals who may be granted H-1B status during each fiscal year. Most foreign nationals seeking H-1B nonimmigrant classification are subject to the 58,200 cap. There are an additional 20,000 H-1B visas, which are limited to individuals who receive a master's degrees (or higher degree) from a United States College or University.

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

ABCs OF H-1Bs (THIS IS PART VI OF AN VIII PART SERIES): THE H-1B CAP WAS REACHED; DO I STILL HAVE A CHANCE OF GETTING AN H-1B VISA?

In the first week of April during the last several years the U.S. Citizenship and Immigration Services ("USCIS") announced that it has received a sufficient number of H-1B petitions to reach the statutory cap, both regular and master's. Because of the surge of petitions filed, USCIS conducts a lottery (technically referred as "random selection process"), to determine which petitions received in the five-day submission period, the minimum time USCIS can accept petitions, will actually be considered. USCIS then begins sending receipt notices for the petitions selected in the random selection process. The H-1B lottery is a very stressful time for thousands of potential H-1B candidates. Until the prospective H-1B employers (or their legal representatives) start receiving receipt notices, and the dark clouds of uncertainty over prospective H-1B visa holders move past, the question worth asking and exploring is: "Do I still have a chance of getting an H-1B visa even if my H-1B petition does not make it to the H-1B cap?"

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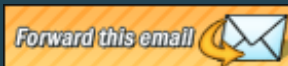
WHAT IF MY CASE DID NOT GET CHOSEN IN THE H-1B LOTTERY: EXPLORING WORK VISA OPTIONS BEYOND THE H-1B CAP (PART VII of an VIII Part Series)

Last year USCIS announced earlier that it received approximately 236,000 H-1B petitions for the fiscal year 2017. Once the lottery (also

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2018, 9:00 AM to
3:45 PM**

**Location: NJ
Law Center, New
Brunswick, NJ**

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referred as "random selection process") has been completed USCIS starts to send receipt notices. With uncertainty looming large as to who may or may obtain an H-1B in the 2018-2019 H-1B Fiscal Year Lottery, it is time that prospective H-1B visa beneficiary hopefuls start exploring other work visa options that may allow them to work and live in the United States on a temporary basis. This article provides a snapshot of possible work visa options that may be available to prospective H-1B nonimmigrant work visa beneficiaries who do not get chosen to be among the lucky few who are chosen to be in the 2017-2018 Fiscal year H-1B cap.

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

Due to heavy demand in the EB-1 category, it was well understood that cutoff dates would eventually become necessary in this category for India and China. However, expectations were that this would occur sometime near the summer. But, effective April 1st, 2018, EB-1 for India and China will have the cutoff date of January 1st, 2012.

In the employment-based, second preference (EB-2) category, India's cutoff date moves forward by one week, to December 22, 2008. Meanwhile, EB-2 China's cutoff date leaps ahead by almost eight months, to August 1st, 2014.

In the EB-3 category, the cutoff date for India races ahead by more than one year, to February 1st, 2008. EB-3 China also sees advances, moving up by seven months, to June 1st, 2015.

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 one month, to April 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. EB-4 Mexico's cutoff date advances by five weeks, to August 8, 2016. The cutoff date for the other three countries remains stationary, at December 1st, 2015.

For non-regional center filings in the employment-based, fifth preference (EB-5) category, the cutoff date for China holds steady at July 22nd, 2014. The cutoff date for EB-5 non-regional center cases for all other countries of chargeability remains current.

EB-4 Certain Religious Workers and EB-5 Regional Center Presently Listed as "Unavailable"

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STAFF SPEAKS PORTUGUESE AND
MANY OTHER LANGUAGES.**

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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.

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Kaival Chalishazar & Co.
22 Vasant Kunj
New Sharda Mandir

O ABC do Visto H-1B (Parte 3 de um conjunto de 8 textos) O que os empregadores de profissionais com o visto H-1B precisam saber sobre o LCA para evitar o risco de não conformidade com as regras do DOL

O programa de visto H1-B permite que um empregador dos Estados Unidos contrate temporariamente não imigrantes para preencher uma posição especializada nos EUA. A Lei de Imigração e Nacionalidade (conhecida como INA, sua sigla em inglês, ou Act) exige que o empregador pague ao funcionário com o visto H-1B o que for mais alto, o salário atual ou o salário prevalecente local, para que dessa forma se proteja os trabalhadores americanos e seus salários.

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

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NPZ IMMIGRATION LAWYERS DISCUSS H-1B AND THE 2018-2019 H-1B VISA SEASON....



The H-1B is a visa in the United States under the Immigration and Nationality Act, section 101(a)(15)(H) which allows U.S. employers

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(x104) for contact
details.

Shekhar Raj Sharma

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to employ foreign workers in specialty occupations. If a foreign worker in H-1B status quits or is dismissed from the sponsoring employer, the worker must either apply for and be granted a change of status, find another employer (subject to application for adjustment of status and/or change of visa), or leave the United States. Effective January 17, 2017, USCIS modified the rules to allow a grace period of up to 60 days but in practice as long as a green card application is pending they are allowed to stay. In 2015, there were 348,669 applicants for the H-1B filed of which 275,317 were approved.

The regulations define a "specialty occupation" as requiring theoretical and practical application of a body of highly specialized knowledge in a field of human endeavor^[4] including but not limited to biotechnology, chemistry, computing, architecture, engineering, statistics, physical sciences, journalism, medicine and health: doctor, dentists, nurses, physiotherapists, etc., economics, education, research, law, accounting, business specialties, technical writing, theology, and the arts, and requiring the attainment of a bachelor's degree or its equivalent as a minimum (with the exception of fashion models, who must be "of distinguished merit and ability"). Likewise, the foreign worker must possess at least a bachelor's degree or its equivalent and state licensure, if required to practice in that field. H-1B work-authorization is strictly limited to employment by the sponsoring employer.