

August 21, 2013

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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.*

### **Comprehensive Immigration Reform**

On June 27, 2013, the United States Senate passed a comprehensive immigration reform bill. The proposed legislation which aims to cut down on massive backlogs and create new avenues to permanent residence has now moved to the House for consideration. Please consider taking the time to contact your local representative to make your opinions regarding comprehensive immigration reform known. You can find your representative at: [www.house.gov/representatives/find](http://www.house.gov/representatives/find).

### **Tax Reminder for Employers with Employees Moving from F-1 to H-1B Status**

This is a reminder to employers that employees in F-1 status working pursuant to authorized optional practical training (OPT), are not subject to FICA taxes. However, any individual who subsequently changes status to H-1B will be subject to FICA taxes. Employers are urged to contact Rosner, Ortman and Moss Partners, LLC to confirm when a change of status is effective for specific employees.

### **EAR and ITAR Question Now Extended To Blanket L Applications**

Employers filing Blanket L petitions on behalf of multinational managers, executives and specialized knowledge employees are now required to complete an EAR/ITAR attestation. The Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) require employers to obtain a license from the appropriate governmental agency before releasing certain US controlled technology

or technical data to foreign persons in the US, as this is deemed an export of US technology or technical data to the foreign national's country of nationality. Employers may already be familiar with this process as it is also required when requesting H-1B, H-1B1 Chile/Singapore, L-1 or O-1A status or renewal of said status for an employee. The EAR/ITAR question requires employers to acknowledge that they have consulted both the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and determined whether a license is required in order to release technology or technical data to the foreign national employee.

### **Importance of Obtaining Record of Automated I-94**

Recently, U.S. Customs and Border Protection automated Form I-94 at air and sea ports. Consequently, when entering the United States, international visitors no longer receive a paper form I-94 at entry and those wishing to obtain a hard copy of their I-94 must access the I-94 at [www.cbp.gov/I94](http://www.cbp.gov/I94). However, it is important to note that CBP only retains an electronic copy of an individual's most recent entry. In order to ensure documentation of each entry, foreign nationals are urged to obtain a record of their most recent entry shortly after arrival into the United States.

### **September Visa Bulletin 2013**

Employment- Based	All Chargeability Areas Except Those Listed	CHINA- mainland- born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	08AUG08	15JUN08	C	C
3rd	01JUL10	01JUL10	22SEP03	01JUL10	01DEC06
Other Workers	01JUL10	15JUN04	22SEP03	01JUL10	01DEC06
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C

*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.*

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