

Pandemic Proactive Planning with Recent Federal Court Immigration/Updates

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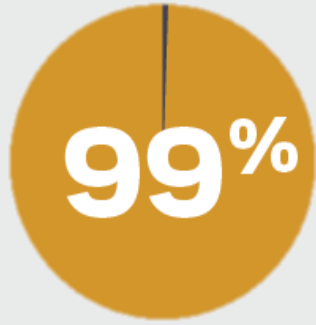
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Agenda

- Important updates from the last week!!
- Distributed Staffing and Immigration
 - NIV considerations – new vs. existing cases
 - IV considerations – new vs. existing cases



Our Value Proposition



Over 99% Success Rate

Brown continues to succeed at over a 99% success rate every year



Maintain excellent relationship with
USCIS/DOS

Focus exclusively on **Immigration** **10 Attorneys, 27 staff** – largest stand-alone boutique business immigration law firm in Midwest

Serve all U.S. time zones in a **central location**



Approach each case with a **bespoke strategy**



Provide a highly skilled legal team at a **lower cost** by Midshoring



Utilize the **latest tech** available to support you



Week in Review

- Sept 29th – Federal Court stays USCIS fee increase
- Sept 30th – Funding bill signed, includes USCIS PP rider allowing USCIS to raise more funds through PP
- Oct 1st – Federal Court stays Presidential Proclamation related to NIVs for Plaintiffs (National Retail and Manufacturing Associations, U.S. Chamber, Technet, and Intrax) – DOS guidance pending, NYT says hundreds of thousands of companies now exempt [members get benefit of decision]



Work From Home - Permanently

- Regardless of setup, ERs must always complete I-9 (virtual exemption), and if enrolled - complete eVerify too (10-day extension for TNCs)
- Recommend maintain a physical office (for meetings, recordkeeping, meet visa requirements E/L)
- Must consider H-1B filing – location of employment (LCA obligations) – multiple locations may want multiple LCAs
- E-3/H-1B1 – similar considerations with locations
- May face questions related to F-1 STEM supervision/J-1 problems likely
- Policy implications – need to know when employees move (may require reposting or trigger new H-1B/1/E-3 filing)



How Does This Impact Green Card?

- PERM filing – where does employee work? Report to?
- Existing PERMs – based on work location – consider filing I-140 to attach priority date, but ultimately replace PERM
- Question to ask – future job offered – where is work to be performed?
- New PERMs – file under HQ jurisdiction
 - Use same ultimate work location (as original PERM)
 - Confirm ability to work from home (telecommute eligible)
 - Still advertise in the locality prior to filing
 - File the replacement when timing makes sense



Real Life Issues

- If truly distributed – still need designated office
- HR may not want to give out home address
- USCIS/DOS now question ability to conduct business in home office setting
- May trigger local and state taxes and permanent establishments [additional filing obligations for ER]
- Get ready for questions about who end employer is
- May eliminate J-1 hiring possibility
- USCIS will continue to audit H-1s/L-1s/GCs and other



Questions?

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