

## IMMIGRATION INSIDER

Winter 2018



**Kate  
McCarroll,**  
*Member*

Kate has extensive experience in employment-related immigration law, including inbound/outbound immigration, Department of Labor/ Department of Homeland Security audits and I-9 compliance training. Kate has also handled matters involving asylum proceedings, family-based immigration, and criminal and inadmissibility issues.

[Email Kate.](#)



**Miroslava  
Orduño Rincón,**  
*Member*

Miroslava has extensive employment-related experience concerning U.S. non-immigrant and immigrant petitions for large international clients. She also processes outbound visitor and work visas, family-based petitions, and naturalization. [Email Miroslava.](#)

**The Immigration Department at Kerr, Russell & Weber, PLC wishes you a happy and safe holiday season. We look forward to working with you in the New Year.**

### Potential Changes to Fiscal Year 2020 H-1B Cap Filings

On November 30, 2018, the U.S. Citizenship and Immigration Service (USCIS) issued a proposed rule that would require pre-registration for employers wishing to sponsor individuals for H-1B status. Additionally, the proposal would change the manner in which USCIS counts H-1B filings toward the cap. The proposal is open for public comments until January 2, 2019. A summary of the provisions is below:

- Employers would be required to submit an electronic pre-registration in order to sponsor an employee for H-1B status. The registration process would begin at least 14 calendar days before the first day of filing for the fiscal year (usually April 1). The electronic pre-registration would require submission of basic information, such as the name, address, and FEIN of the employer and the beneficiary's biographic details and education. A completed pre-registration would be required for each beneficiary for whom the employer wishes to file an H-1B petition. No fee would be required.
- Should USCIS receive more electronic pre-registrations than there are H-1Bs available, a lottery would be conducted based on the submissions.
- If selected in the lottery, the employer would have a period of at least 60 days to file a complete H-1B petition for the named beneficiary. To prevent a surge in applications, USCIS would provide several filing periods for each fiscal year. For example, some selected registrations may be provided a filing window between April 1 and May 31, while others would be provided a May 1 to June 30 window.
- USCIS would change the way that it counts the number of petitions needed to reach the regular and advanced degree caps. Currently, the lottery is conducted first for petitions in which the beneficiary holds at least a U.S. Master Degree, then the regular-cap lottery occurs. With the proposed rule, the regular-cap count/lottery would occur first, followed by the advanced degree lottery.

Although USCIS has indicated that it plans to have these changes in place for the 2020 H-1B cap filing season (beginning April 1, 2019), at this point the regulations are only proposals. Kerr Russell will keep you updated as the proposed rules proceed through the regulatory process.



**Robert  
Anderson,  
Member**

Robert counsels and represents clients in the full spectrum of immigration legal issues as applied to their workforces and staff, including all aspects of the international movement of personnel for local, national, and international companies. [Email Robert.](#)

#### [USCIS Suggests End to Practice of Denying Advance Parole if Applicant Travels Before Issuance](#)

In a recent conference, Mr. L. Francis Cissna, the Director of the U.S. Citizenship and Immigration Service, indicated that the Service would discontinue its policy of denying an Advance Parole application if the applicant traveled internationally before issuance. Since 2017, an adjustment of status applicant in H-1B or L-1 status has been required to maintain a valid non-immigrant visa during the pendency of the I-485 application should she travel before the Advance Parole is approved. Director Cissna did not indicate when the policy change would become effective.

#### [Kerr Russell's Immigration Team Welcomes Paralegal Verónica Valdivia-Vera](#)

Kerr Russell welcomes new paralegal, Verónica Valdivia-Vera. Verónica supports the immigration team with all aspects of the international movement of personnel. A native Spanish-speaker, Verónica earned a Bachelor Degree in Law from Universidad Lasallista Benavente in Mexico. After graduating, she gained legal experience in Mexico in both private and municipal practice. Prior to joining Kerr Russell, Verónica was a paralegal with a boutique immigration firm in metro Detroit, where she assisted with family-based immigration, asylum, U-Visa and VAWA applications, removal proceedings, and Consular practice.

For immigration updates, be sure to follow us on LinkedIn!

- [Kate McCarroll](#)
- [Miroslava Orduño Rincón](#)
- [Kerr Russell](#)

#### **Updated Privacy Policy**

As part of our continued commitment to your privacy, we have updated our website Privacy Policy to clearly set forth what information we collect from you, how we use that information, and your rights related to that information. Notably, the information we collect from you includes the email address at which you have received this newsletter. If you would like more information related to the information we collect, please review our Privacy Policy, which is located [here](#). If you would like to unsubscribe from this newsletter, please click [here](#), and, if you have any additional questions, please email us [dataprivacy@kerr-russell.com](mailto:dataprivacy@kerr-russell.com).



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