

Business Immigration Weekly for February 27, 2017

3/3/2017

Practices: Immigration

UPDATES TO THE I-797A, NOTICE OF ACTION FORM

For those of you that pay close attention to the Form I-797A, Notice of Action Form, you will note recent changes in appearance and content beginning in February 2017. Fonts are smaller to allow additional information to be inserted on the form consistent with changes effective on January 17, 2017 pursuant to the rule regarding the Retention of EB-1, EB-2 and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers. Specifically, the form now correctly points out that the I-94 may contain a grace period of up to 10 days before and after the validity period for the following classifications: CW-1, E-1, E-2, E-3, H-1B, H-2B, H-3, L-1A, L-1B, O-1, O-2, P-1, P-2, P-3, TN-1 and TN-2. An H-2A nonimmigrant may have a grace period of up to one week before the petition validity period and 30 days after the petition validity period. It is important to note that beneficiaries may not work during the grace periods.

Additionally, due to a technical glitch, many H-1B approval notices in January and February 2017 were incorrectly annotated as Class "1B1" which is the designation for Chilean and Singaporean specialty occupation classification petitions pursuant to Free Trade Agreements as opposed to the general Class: H-1B. When initially contacted, the United States Citizenship and Immigration Services California Service Center erroneously indicated that all classifications were changing, but this has turned out to be incorrect. Petitioners should expect to receive corrected approval notices within the next few weeks.

Weekly Immigration Updates are provided under the Legal Update link of the Immigration Group Section of our firm's website at www.masudafunai.com.