

IMMIGRATION ALERT:**Administration Signals Changes to H-1B and Labor Certification Programs**

On April 18, 2017, President Trump signed an executive order signaling potential changes to the H-1B visa program. While the order proposes to increase H-1B salary and skill requirements, it does not include specific details or policy changes. We expect the immigration service to announce more specific program changes within the coming year. The order also refers to the labor certification program, relating to employment-based permanent residence sponsorship, suggesting that possible changes to the program may be in the works.

While the situation bears further monitoring, the order does not warrant immediate action with respect to foreign nationals currently employed in H-1B status. Further, the order does not affect H-1B petitions filed through the annual lottery process, which closed earlier this month. U.S. Citizenship and Immigration Services (USCIS) received 199,000 petitions in the lottery for 85,000 available H-1B visas.

In the weeks leading up to this executive order, some federal agencies had also suggested increased scrutiny for the H-1B visa program. In addition, the Department of Labor suggested potential changes to the labor certification program. In light of the uncertainty surrounding these programs, we recommend employers prioritize permanent residence for key foreign national employees.

The immigration practice group will continue to monitor developments, and provide further updates as they become available. If you have any questions regarding this LEGALcurrents®, please do not hesitate to contact any member of our group at (585) 232-6500. ■

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