

Immigration: Take Action Now On H-1B Applications – Changes On The Horizon

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Authored by [Mercedes Badia-Tavas](#), and [Jeff Papa](#). President Donald Trump's [executive order](#) in April 2017 entitled "Buy American and Hire American" (BAHA) is leading to proposed regulatory changes by the Department of Homeland Security (DHS), which will affect U.S. employers intending to hire and sponsor qualified foreign nationals in specialty occupations for the H-1B visa. Given these expected changes may occur with little advance notice, planning by human resource and legal departments at U.S. companies is key to maintaining lawful global talent in the U.S. Employers should consider beginning this process as soon as possible to sponsor talented employees and not wait until mid-March. Petitions are normally filed within the first five days of April for an Oct. 1 start day that coincides with the start of the federal government's fiscal year. The regulatory anticipated changes by DHS are reported as:

- Requiring H-1B candidates to preregister for the H-1B cap lottery
- Revision to the definition of "specialty occupation," employment and employer-employee relationships, which is expected to affect the consulting industry
- Termination of the H-4 dependent employment authorization eligibility
- STEM Optional Practical Training (OPT) for F-1 students may be eliminated, restricted or further limited by October 2018

For additional information, please refer to our firm's [immigration law alert](#).

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