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Headlines:

Atlanta NPC To Issue PERM Notifications Via Email Beginning in December – Starting December 1, 2016, the ANPC also will receive via email ETA Form 9089 audit responses and responses to Requests for Information, Additional Audit Information Requests, and Notices of Decisions for Appeals. The Department of Labor's Office of Foreign Labor Certification offered related tips.

St. Vincent and the Grenadines Added to H-2A, H-2B Visa Programs – St. Vincent and the Grenadines has been added to the list of countries whose nationals are eligible to participate in the H-2A and H-2B visa programs for the coming year.

IRS Announces Changes to Individual Taxpayer ID Program – The changes require some taxpayers to renew their ITINs, which the IRS encourages people to do early.

USCIS Updates Guidance on Health-Related Grounds of Inadmissibility – USCIS has updated guidance regarding health-related grounds of inadmissibility in accordance with an HHS final rule.

Also in this issue:

[New Publications and Items of Interest](#)

[Member News](#)

[Government Agency Links](#)

[Back to Top](#)

Atlanta NPC To Issue PERM Notifications Via Email Beginning in December

The Department of Labor's Office of Foreign Labor Certification (OFLC) announced on November 1, 2016, that the Atlanta National Processing Center (ANPC) will begin issuing PERM notification letters via email beginning December 1, 2016. OFLC said this will ensure that PERM stakeholders receive ETA Form 9089 application determination notifications in a timely, cost-effective manner without mail delivery delays.

OFLC said that those awaiting such notifications should add sr.processing@dol.gov and plc.atlanta@dol.gov to the address book or safe list in the recipient's email system to avoid being filtered as spam. In addition, changes in email addresses for the authorized representative or employer should be emailed to either sr.processing@dol.gov (Supervised Recruitment cases) or plc.atlanta@dol.gov (all other correspondence). Provide the case number along with the updated contact information.

Stakeholders will receive the following letters/notifications via email:

- Audit Notification Letters
- Denial Notification Letters
- Requests for Information Letters
- Additional Audit Information Requests
- Withdrawal Letters
- Notices of Decisions from Appeals

OFLC noted that certified ETA Form 9089 PERM application letters will not be sent electronically due to the certification's security paper requirements currently in place with U.S. Citizenship and Immigration Services.

Starting December 1, 2016, the ANPC will receive via email ETA Form 9089 audit responses and responses to Requests for Information, Additional Audit Information Requests, and Notices of Decisions for Appeals. Senders should ensure that each emailed response is no larger than 20MB. Email responses larger than 20MB should be separated into two or more documents of fewer than 20MB in size, indicated on the subject line of the email. For example, <Case Number>_Audit Response_1 of 3.

OFLC offered the following summary of tips:

- Do not combine multiple audit responses for different cases in one submission packet.
- Direct any questions via email to sr.processing@dol.gov (Supervised Recruitment inquiries) or plc.atlanta@dol.gov (all other inquiries) and include the case number in the subject line.
- For audit responses specifically; scan, tab, or clearly identify the documentation into the following categories:
 - a. Cover Letter
 - b. Recruitment Report and any other supporting documentation
 - c. Business Necessity and other supporting documentation
 - d. Recruitment Content, including copies of newspaper advertisements, Notice of Filing, Job Order, and professional advertisements
 - e. Copy of Audit Letter (if applicable)
 - f. Resumes, including any applications, evaluations, and other supporting documentation
 - g. Prevailing Wage (if applicable)
 - h. Affidavits (if applicable)
 - i. Signed ETA Form 9089 (if applicable)
 - j. Postage Receipt (if applicable)

The notice is at <https://www.foreignlaborcert.doleta.gov/news.cfm> (scroll to "November 1, 2016. Electronic Notification of PERM Letters").

[Back to Top](#)

St. Vincent and the Grenadines Added to H-2A, H-2B Visa Programs

U.S. Citizenship and Immigration Services (USCIS) and the Department of Homeland Security (DHS), in consultation with the Department of State, have added St. Vincent and the Grenadines to the list of countries whose nationals are eligible to participate in the H-2A and H-2B visa programs for the coming year.

The H-2A and H-2B visa programs allow U.S. employers to bring foreign nationals to the United States to fill temporary agricultural and nonagricultural jobs, respectively. Typically, USCIS only approves H-2A and H-2B petitions for nationals of countries DHS has designated as eligible to participate in the programs. USCIS, however, may approve H-2A and H-2B petitions for nationals of countries not on the list if it is determined to be in the interest of the United States.

The notice listing the eligible countries was published in the Federal Register on October 26, 2016, at <https://www.gpo.gov/fdsys/pkg/FR-2016-10-26/html/2016-25872.htm>.

[Back to Top](#)

IRS Announces Changes to Individual Taxpayer ID Program

The Internal Revenue Service recently announced changes related to revisions to the Individual Taxpayer Identification Number (ITIN) program made under a new law. The changes require some taxpayers to renew their ITINs, which the IRS encourages people to do early.

Under the new law, ITINs that have not been used on a federal tax return at least once in the last three years will no longer be valid for use on a tax return unless renewed by the taxpayer. In addition, ITINs issued before 2013 that have been used on a federal tax return in the last three years must be renewed starting this fall. The IRS is putting in place a rolling renewal schedule.

If taxpayers have an expired ITIN and do not renew before filing a tax return in 2017, they could face a refund delay and may be ineligible for certain tax credits until the ITIN is renewed, the IRS warned.

The IRS emphasized that ITIN holders do not need to take action if they don't need to file a tax return next year. Two key groups of ITIN holders may need to renew an ITIN so it will be in effect for returns filed in 2017:

- *Unused ITINs.* ITINs not used on a federal income tax return in the last three years (covering 2013, 2014, or 2015) will no longer be valid to use on a tax return as of January 1, 2017. ITIN holders in this group who need to file a tax return next year will need to renew their ITINs. The renewal period began October 1, 2016.
- *Expiring ITINs.* ITINs issued before 2013 will begin expiring this year, and taxpayers will need to renew them on a rolling basis. The first ITINs that will expire under this schedule are those with middle digits of 78 and 79 (Example: 9XX-78-XXXX). The renewal period for these ITINs began October 1, 2016. The IRS said it is mailing letters to this group of taxpayers to inform them of the need to renew their ITINs if they need to file a tax return and explain steps they need to take. The schedule for expiration and renewal of ITINs that do not have middle digits of 78 and 79 will be announced at a future date, the IRS said.

How to renew. Only ITIN holders who need to file a tax return must renew their ITINs. Others do not need to take any action.

To renew an ITIN, taxpayers must complete Form W-7, Application for IRS Individual Taxpayer Identification Number, follow the instructions, and include all information and documentation

required. To reduce the burden on taxpayers, the IRS is not requiring individuals renewing an ITIN to attach a tax return when submitting their Form W-7. Taxpayers are reminded to use the newest version of the Form W-7 ("Rev. 9-2016") available at the time of renewal.

There are three methods for submitting an W-7 application package to renew an ITIN:

- Mail the Form W-7, along with the original identification documents or certified copies by the agency that issued them, to the IRS address listed on the form (identification documents will be returned within 60 days);
- Use one of the many IRS-authorized Certified Acceptance Agents (see <https://www.irs.gov/individuals/acceptance-agent-program>), or Acceptance Agents around the country; or
- In advance, call and make an appointment at an IRS Taxpayer Assistance Center (see <https://www.irs.gov/uac/tac-locations-where-in-person-document-verification-is-provided>) in lieu of mailing original identification documents to the IRS.

Family option. The IRS is offering a family option for ITIN renewal. If any individuals having an ITIN middle digit of 78 or 79 receive a renewal letter from the IRS, they can choose to renew the ITINs of all of their family members at the same time rather than doing them separately over several years. Family members include the tax filer, the spouse, and any dependents claimed on their tax return.

The IRS said it is working closely with a variety of groups to share information about the ITIN changes and help raise awareness about the new guidelines. The IRS will be providing additional information and material to share with these groups and taxpayers in the near future.

New requirement for dependents. Beginning October 1, 2016, the IRS will no longer accept passports that do not have a date of entry into the United States as stand-alone identification documents for dependents from countries other than Canada or Mexico or dependents of military members overseas. Affected applicants now must submit either U.S. medical records for dependents under age six or U.S. school records for dependents under age 18 along with their passports. Dependents aged 18 and over can submit a passport along with a rental or bank statement or a utility bill listing the applicant's name and U.S. address.

IRS noted that ITINs are for federal tax purposes only and are not intended to serve any other purpose. ITINs that are only used on information returns filed with the IRS by third parties do not need to be renewed. An ITIN does not authorize a person to work in the United States or provide eligibility for Social Security benefits or the Earned Income Tax Credit. ITINs are not valid identification outside the tax system and do not establish immigration status.

The IRS announcement is at <https://www.irs.gov/uac/irs-works-to-help-taxpayers-affected-by-itin-changes-renewals-begin-in-october>. Frequently asked questions are at <https://www.irs.gov/individuals/itin-expiration-faqs>. The ITIN changes are required by the Protecting Americans from Tax Hikes (PATH) Act enacted by Congress in December 2015. These provisions, along with new procedures to help taxpayers navigate these changes, are outlined in IRS Notice 2016-48 at <https://www.irs.gov/pub/irs-drop/n-16-48.pdf>. More information is at <https://www.irs.gov/uac/newsroom/irs-now-accepting-itin-renewal-applications-taxpayers-encouraged-to-act-soon-to-avoid-processing-delays-in-2017>.

[Back to Top](#)

USCIS Updates Guidance on Health-Related Grounds of Inadmissibility

U.S. Citizenship and Immigration Services (USCIS) recently announced that it has updated guidance regarding health-related grounds of inadmissibility in accordance with a final rule updating Department of Health and Human Services regulations published in early 2016.

The guidance in the *USCIS Policy Manual*:

- Updates the definition of a Class A condition to include failure to present documentation of having received vaccinations against vaccine-preventable diseases.
- Updates the definition of a Class B condition to "health conditions, diseases, or disability serious in degree or permanent in nature."
- Updates the definition of physical and mental disorders with associated harmful behavior and the definition of drug abuse and drug addiction.
- Removes three medical conditions (chancroid, granuloma inguinale, and lymphogranuloma venereum) from the list of communicable diseases of public health significance that would render an applicant for immigration benefits inadmissible on health-related grounds of inadmissibility.

USCIS said the guidance in the manual "is controlling and supersedes any prior guidance."

USCIS's related policy alert is at <https://www.uscis.gov/policymanual/Updates/20161102-MedicalConditions.pdf>.

[Back to Top](#)

New Publications and Items of Interest

[Press release on entrepreneurial immigrants, Chobani's founder](#). The Alliance of Business Immigration Lawyers has issued a press release in support of entrepreneurial immigrants such as Chobani's founder, Hamdi Ulukaya, a Turkish immigrant of Kurdish descent. Chobani makes Greek yogurt and employs about 2,000 people in the United States, some of whom are refugees. The press release is available at <http://www.prweb.com/releases/chobani/immigration/prweb13821649.htm>.

The [latest E-Verify webinar schedule](#) from USCIS is available at <http://www.uscis.gov/e-verify/e-verify-webinars/take-free-webinar>.

The [latest edition of the Global Business Immigration Practice Guide](#) has been released by LexisNexis. Dozens of members of the Alliance of Business Immigration Lawyers (ABIL) co-authored and edited the guide, which is a one-stop resource for dealing with questions related to business immigration issues in 30 immigration hotspots around the world.

The latest edition adds chapters on Malta and Romania. Other chapters cover Australia, Belgium, Brazil, Canada, China, Costa Rica, the European Union, France, Germany, Ghana, Hong Kong, India, Ireland, Israel, Italy, Japan, Mexico, the Netherlands, Nigeria, Peru, Russia, Singapore, South Africa, Spain, Switzerland, Turkey, the United Kingdom, and the United States.

Latchi Delchev, a global mobility and immigration specialist for Boeing, called the guide "first-rate" and said the key strong point of the book is its "outstanding usability." She said she highly recommends the book and notes that it "is helpful even to seasoned professionals, as it provides a level of detail which is not easily gained from daily case management."

Mireya Serra-Janer, head of European immigration for a multinational IT company, says she particularly likes "the fact that the [guide] focuses not just on each country's immigration law itself but also addresses related matters such as tax and social security issues." She noted that the India chapter "is particularly good. The immigration regulations in India have always been hard to understand. Having a clear explanation of the rules there helps us sort out many mobility challenges."

Charles Gould, Director-General of the International Co-operative Alliance, said the guide is "an invaluable resource for both legal practitioners and business professionals. The country-specific chapters are comprehensive and answer the vast majority of questions that arise in immigration practice. Its clear and easy-to-follow structure and format make it the one volume to keep close at hand."

This comprehensive guide is for:

- Human resources professionals and in-house attorneys who need to instruct, understand, and liaise with immigration lawyers licensed in other countries;
- Business immigration attorneys who regularly work with multinational corporations and their employees and HR professionals; and
- Attorneys interested in expanding their practice to include global business immigration services.

This publication provides:

- An overview of the immigration law requirements and procedures for over 20 countries;
- Practical information and tips for obtaining visas, work permits, resident status, naturalization, and other nonimmigrant and immigrant pathways to conducting business, investing, and working in those countries;
- A general overview of the appropriate options for a particular employee; and
- Information on how an employee can obtain and maintain authorization to work in a target country.

Each chapter follows a similar format, making it easy to compare practices and procedures from country to country. Useful links to additional resources and forms are included. Collected in this Practice Guide, the expertise of ABIL's attorney members across the globe will serve as an ideal starting point in your research into global business immigration issues.

An excerpt of the book is on the ABIL website at http://www.abil.com/global_practice_guide.cfm.

Contact your Lexis/Nexis sales representative; call 1-800-833-9844 (United States), 1-518-487-3385 (international); fax 1-518-487-3584.

ABIL on Twitter. The Alliance of Business Immigration Lawyers is on Twitter: @ABILImmigration. Recent ABIL member blogs are at <http://www.abilblog.com/>.

[Back to Top](#)

ABIL Member/Firm News

Steven H. Garfinkel (bio: <http://www.abil.com/lawyers/lawyers-garfinkel.cfm>), Founder & Managing Partner of **Garfinkel Immigration Law Firm** in Charlotte, North Carolina, was elected president of the **Alliance of Business Immigration Lawyers (ABIL)** on October 21, 2016, in Memphis, Tennessee. Mr. Garfinkel, who has practiced corporate immigration law in Charlotte for more than 30 years, has been an ABIL member since 2007. Mr. Garfinkel said he

looks forward to working with ABIL's Executive Committee to expand upon the group's mission to apply high ethical standards to promote best practices in client service and law firm management and to provide superior quality and personalized legal services to resolve companies' and individuals' immigration issues. A press release with additional details is at <http://www.prweb.com/releases/abil/president/prweb13832623.htm>. Information about ABIL is at <http://www.abil.com/>.

H. Ronald Klasko (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm>) and **William Stock** participated in the annual conference of the American Immigration Lawyers Association's (AILA) Central Florida Chapter held October 13-15, 2016. Mr. Stock, National President of AILA, presented on hot topics (legislative, regulatory, and administrative) in immigration law, strategies for working around the H-1B shortage, and visa options for foreign national investors.

Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm>) and **Raquel Burson** presented at the University of Texas at San Antonio's International Business Accelerator on "How To Do Business in the United States" to a delegation of Brazilian investors on October 31, 2016.

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) has authored several new blog entries. "The Role of the Immigration Lawyer in the Age of Trump" is at <http://blog.cyrusmehta.com/2016/11/the-role-of-the-immigration-lawyer-in-the-age-of-trump.html>. "Immigration Perspectives on the Eve of the 2016 Presidential Election" is at <http://blog.cyrusmehta.com/2016/11/immigration-perspectives-on-the-eve-of-the-2016-presidential-election.html>.

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) was quoted by a number of news outlets about President-elect Donald Trump's possible immigration plans:

- Bloomberg: <http://www.bloomberg.com/news/articles/2016-11-09/immigration-lawyers-fear-the-worst-face-anxious-clients-after-trump-victory>
- Politifact: <http://www.politifact.com/truth-o-meter/article/2016/nov/09/politifact-sheet-donald-trumps-immigration-plan/>
- McClatchy: <http://www.mcclatchydc.com/news/politics-government/election/article113755428.html>
- Dallas Morning News: <http://www.dallasnews.com/news/immigration/2016/11/10/q-can-president-trump-really-immigration>
- Vice Media: http://www.vice.com/en_ca/read/how-much-damage-can-trump-actually-do-to-immigration-policy
- Los Angeles Times: <http://www.latimes.com/nation/la-na-trump-immigration-20161109-story.html>
- Louisville Courier-Gazette: <http://www.courier-journal.com/story/news/local/2016/11/10/trump-election-raises-immigrants-fears/90129584/>
- Cosmopolitan: <http://www.cosmopolitan.com/politics/a8273088/donald-trump-immigration-deportation-refugee-policies/>
- U.S. News and World Report: <http://www.usnews.com/news/national-news/articles/2016-11-10/dreamers-told-feds-where-they-live-will-trump-deport-them>
- Christian Science Monitor: <http://www.csmonitor.com/USA/Politics/2016/1111/Will-NYC-s-undocumented-residents-be-able-to-keep-their-ID-cards>
- Reuters: <http://www.reuters.com/article/us-usa-immigration-trump-idUSKBN1361L9?il=0>

- Univision: <http://www.univision.com/noticias/inmigracion/las-promesas-de-inmigracion-de-trump-que-puede-hacer-solo-y-para-que-necesita-el-congreso>
- Minjingnews.com (China): <http://www.mingjingnews.com/MIB/news/news.aspx?ID=N000168295>
- Epoch Times (China): <http://www.epochtimes.com/gb/16/11/12/n8487758.htm>

[Back to Top](#)

Government Agency Links

Follow these links to access current processing times of the USCIS Service Centers and the Department of Labor, or the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:

USCIS Service Center processing times online:
<https://egov.uscis.gov/cris/processTimesDisplay.do>

Department of Labor processing times and information on backlogs:
<http://www.foreignlaborcert.doleta.gov/times.cfm>

Department of State Visa Bulletin: http://travel.state.gov/visa/bulletin/bulletin_1360.html

Visa application wait times for any post: http://travel.state.gov/visa/temp/wait/wait_4638.html

[Back to Top](#)

About ABIL

The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training, and other programs that benefit clients through the collaboration of more than 400 member lawyers and their 1,000 staff. Corporate counsel, human resource professionals, in-house immigration managers, and other corporate decision-makers turn to ABIL lawyers for outstanding legal skills and services. ABIL's work also includes advocating for enlightened immigration reform, providing speakers and media sources, presenting conferences, publishing books and articles on cutting-edge immigration topics, and sharing best practices, all with the ultimate goal of offering value-added services to business immigration clients.

The Alliance of Business Immigration Lawyers' website is at <http://www.abil.com/>. ABIL is also on Twitter: @ABILImmigration.

Disclaimer/Reminder

This e-mail does not constitute direct legal advice and is for informational purposes only. The information provided should never replace informed counsel when specific immigration-related guidance is needed.

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[Back to Top](#)