

# Loudmouth Xenophobic Lawyer Ripped By Colleagues a Day After Meltdown

The New York lawyer caught yelling racist comments at Spanish-speaking restaurant workers in a viral video was treated like a pariah by fellow attorneys at a Queens court Thursday, lawyers there told [The New York Post](#).

And Aaron Schlossberg will have to find a new place to work because his landlord [kicked him out](#) of his office space after the video went public.

Schlossberg was in court Thursday representing Queens medical center Aimes Enterprises Inc. – a day after footage emerged of the lawyer threatening to have workers at a Manhattan eatery “kicked out of my country.”

The *NY Post* article quotes two lawyers who were in court that day: ““I was taken aback that he would have the balls to come to court in front of all of his colleagues after his crazy outburst.” And: “Why would he do that? His reputation will be shot. What a dope!”

[Read the NY Post article.](#)

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# Little Survey: Employers Reeling from Regulatory Shifts, New Forces Impacting Workplace



Employment and labor law firm [Little](#) has released the results of its seventh annual survey, completed by 1,111 in-house counsel, human resources professionals and C-suite executives. The Little Annual Employer Survey, 2018 analyzes the impact that sweeping regulatory changes and other factors, including the #MeToo movement, are having on employers.

The firm summarized its findings:

Following a year that brought several changes to workplace policy, the survey shows employers feeling some regulatory relief with the change in administration, while cautiously anticipating less of an impact from key regulatory issues over the next year. The portion of respondents expecting a significant impact from the Affordable Care Act dropped from 33 percent in the 2017 survey to 15 percent in 2018, with similar drops in significant concern around enforcement by the U.S. Department of Labor (25 percent to 16 percent) and the National Labor Relations Board (13 percent to 8 percent).

At the same time, employers feel buffeted by the burdens created by abrupt and dramatic regulatory changes, slow-moving confirmations to key government agency positions and the growing patchwork of state and local labor and employment requirements. The majority of respondents (64 percent) said that reversals of workplace policies and regulations between presidential administrations put a strain on their businesses

and 75 percent said they faced challenges as states and localities work to fill perceived policy vacuums at the federal level.

“Companies want certainty more than anything,” said Michael Lotito, co-chair of Littler’s Workplace Policy Institute. “The vast majority of employers want to comply with the law and the continuous reversals of federal workplace policy, as well as the increasingly fragmented and sometimes contradictory rules at the state and local level, is an enormous distraction for them. Uncertainty means inability to plan, budget and anticipate, and it requires constantly retraining employees and reformulating employment policies.”

Of the changes that occurred during the first year of the Trump administration, respondents identified the rollback of wage-and-hour policies (62 percent) and the new tax bill (62 percent) as the areas that have most significantly impacted their businesses.

### **Immigration Reform Focuses on Visas and Enforcement**

Amid tightening regulation and enforcement of both legal and illegal immigration, employers expect a range of immigration-related changes to significantly impact their workplaces over the next year.

Tighter restrictions on visa adjudications, such as those for employees with specialized skills and temporary workers, was the top concern selected by 48 percent of respondents. More than a third (36 percent) expressed concern with increased workplace immigration enforcement by U.S. Immigration and Customs Enforcement and associated agencies.

“It’s not surprising that the visa process and immigration enforcement emerged as employers’ top concerns,” said Jorge Lopez, chair of Littler’s Global Mobility and Immigration Practice Group. “The increased scrutiny being applied to employment visas and rule changes impacting visa programs,

which often come mid-stream and without prior warning, make it difficult for employers to plan ahead and manage their workforces. In addition, the increase in worksite enforcement and raids have naturally heightened employers' focus on worksite compliance issues and properly addressing those concerns."

### **Continued Workplace Discrimination Enforcement Expected Amid Focus on Harassment**

The survey showed virtually no change in the impact employers anticipate from enforcement by the Equal Employment Opportunity Commission (EEOC) over the next year, with 76 percent anticipating an impact in the 2017 survey and 77 percent in 2018. This aligns with a key finding from Littler's Annual Report on EEOC Developments – that the Commission actually filed more lawsuits in fiscal year 2017 than it has since 2011.

Employers surveyed expect the EEOC's top enforcement priorities in the near-term to be harassment claims (64 percent), hiring practices (53 percent) and retaliation against employees who file discrimination or harassment claims (48 percent).

"Employers are right to expect the EEOC to continue to vigorously investigate workplace discrimination claims, particularly harassment claims and other EEOC priorities, regardless of upcoming changes at the Commission with an expected new chair, commissioner and general counsel," said Barry Hartstein, co-chair of Littler's EEO & Diversity Practice Group. "With the #MeToo movement and the EEOC's focus on stemming the tide of harassment in the workplace, taking steps to minimize the risk of harassment claims should be a top priority for employers. We also should expect an active plaintiffs' bar threatening and initiating private lawsuits during the coming year based on these developments."

## **Sexual Harassment and Pay Equity Rank as Top Concerns for Employers**

Among the many headline-grabbing issues swirling through the workplace, the majority of survey respondents (66 percent) ranked sexual harassment as the most or second-most concerning issue on their radar.

In the wake of the cultural shift sparked by the #MeToo movement, 55 percent of respondents have added training for supervisors and employees, and 38 percent have updated human resource policies or handbooks. However, only 13 percent have implemented new tools or investigation procedures to manage employee complaints and 24 percent have not made any changes over the past year.

“No company can afford to ignore this issue, and while many already have a good foundation, the past several months have shown the importance of reevaluating and reinforcing policies and procedures,” said Helene Wasserman, co-chair of Littler’s Litigation and Trials Practice Group. “While the law governing harassment in the workplace hasn’t changed much, employee expectations have. In addition to providing training and updating policies, it’s critical that companies have effective complaint procedures in place and that employees feel confident that reports of potential misconduct will be taken seriously and acted upon.”

Gender pay equity followed sexual harassment as the second-most concerning issue in the headlines for employers, with 41 percent placing it among their top two concerns. Companies reported taking action as a result, including conducting audits of current pay practices and salary data (61 percent) and revising hiring practices, such as updating job applications and ceasing the practice of asking candidates about prior salaries (34 percent). However, only 14 percent have modified compensation policies or taken steps to facilitate advancement of female and minority employees.

“Conducting audits is a critical first step to identifying pay disparities among employees, but with continued attention to this issue and an evolving legal landscape, an audit is just the beginning of addressing pay equity in the workplace,” said Denise Visconti, a shareholder heading the Littler Pay Equity Assessment. “As time goes on, pay disparities only become more intractable, so proactively addressing this issue helps companies mitigate risk and reinforce their commitments to treating employees equally and fairly.”

## **Employers Start to Embrace Data Analytics and Artificial Intelligence**

Recruiting and hiring is the most common use of advanced data analytics and artificial intelligence, adopted by 49 percent of survey respondents. Employers also said they were using big data to guide HR strategy and employee management decisions (31 percent), analyze workplace policies (24 percent) and automate tasks previously performed by humans (22 percent). The smallest group of participants (5 percent) are using advanced analytics to guide litigation strategy.

“It is encouraging to see employers starting to embrace the many benefits provided by big data in helping manage their most important asset, their people,” said Aaron Crews, Littler’s Chief Data Analytics Officer. “However, it appears that many employers are not aware of the significant potential to use advanced data techniques to guide litigation strategy. The ability to leverage data early in a case, to tease out insights before you ever take a deposition or begin evaluating the credibility of witnesses, is revolutionary.”

The survey results are being released at Littler’s 35th annual Executive Employer Conference taking place May 2-4, 2018, in Phoenix, Arizona.

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# Trump Calls U.S. Court System 'Unfair' After DACA Ruling



Image by [Rhododendrites](#)

Reuters [is reporting](#) that President Donald Trump on Wednesday blasted the U.S. court system as “broken and unfair” after a federal judge blocked his move to end the program protecting young immigrants brought to the United States illegally by their parents, commonly known as “Dreamers.”

He was responding to a Tuesday ruling by U.S. District Judge William Alsup in San Francisco that DACA must remain in place while the litigation is resolved.

In a post on Twitter on Wednesday morning, Trump wrote, “It just shows everyone how broken and unfair our Court System is when the opposing side in a case (such as DACA) always runs to the 9th Circuit and almost always wins before being reversed by higher courts.”

[Read the Reuters article.](#)

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# The Supreme Court's Travel Ban Off-Ramp



A Ninth Circuit ruling on President Trump's "travel ban" case offers the U.S. Supreme Court a clever way to reject the ban without limiting government power over immigration, writes [Garrett Epps](#) for *The Atlantic*.

The court does not question the statute that the administration relies on as the basis for the travel bans, but it denies that the bans conform to it.

Epps explains that "a travel ban is perfectly possible, and the administration is always free to ask Congress for one. Had it done so in January, Congress might have enacted one by now. The Supreme Court may be concerned that a decision against the government in this case may weaken *the nation*; the Ninth Circuit opinion suggests a way to avoid doing so—while still rejecting Trump's demand for *personal* powers that 'will not be questioned.'"

[Read \*The Atlantic's\* article.](#)



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# Tree Trimming Firm Pays Biggest Fine in U.S. Immigration Case

A tree trimming company has been handed the largest penalty imposed in a United States immigration case, totaling \$95 million, after pleading guilty to employing illegal immigrants, the U.S. Attorney's Office said.

[Reuters reports](#) that Asplundh Tree Experts Co., which trims trees and clears brush for power and gas lines across the country, hired employees who provided fake identification documents from 2010 to 2014, the U.S. Attorney's Office in Philadelphia said.

The prosecutor said the company's managers were "willfully blind" as supervisors and foremen hired illegal immigrants, writes [Brendan O'Brien](#).

[Read the Reuters article.](#)

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# How Supreme Court Justices Could Avoid Issuing a Verdict on Trump's Travel Ban



President Donald Trump's travel ban offers the Supreme Court the chance to make a major pronouncement on the president's power over immigration. But the case also could vanish into the legal ether, and that may be what a majority of the court is hoping for, [points out](#) Associated Press reporter Mark Sherman.

"Getting rid of the case would allow the justices to avoid second-guessing the president on a matter of national security or endorsing an especially controversial part of Trump's agenda," Sherman writes.

The timing of the ban could help the justices avoid a showdown because the 90-day travel ban on visitors from six mostly Muslim countries will expire before the court will hear the challenge.

[Read the AP article.](#)

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# CEOs See a 'Sad Day' After Trump's DACA Decision



*The New York Times* published a [collection of reaction](#) from some top business leaders and companies who expressed their disapproval of President Trump's decision to end the Deferred Action for Childhood Arrivals program.

Timothy D. Cook, Apple's chief executive, tweeted that his company would fight for the people affected by Trump's action to be "treated as equals."

Reporter Zach Wichter writes that Facebook's Mark Zuckerberg said the announcement marks "a sad day for our country."

Roger A. Iger, chairman and chief executive of the Walt Disney Co., tweeted: "Rescinding DACA is cruel and misguided. Dreamers contribute to our economy and our nation."

[Read the NYT article.](#)

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## DOJ Threatens Immigration Rights Lawyers, Demands They

# Drop Their Clients



A federal judge in Seattle has temporarily blocked a Justice Department order that called on a local immigrant-rights organization to stop some of its legal work. His ruling also applies to similar groups around the country, according to [The Seattle Times](#).

The nonprofit Northwest Immigrant Rights Project brought the lawsuit that resulted in the ruling by U.S. District Judge Richard Jones.

“In a letter last month, the Justice Department told the group it must ‘cease and desist’ providing certain legal assistance to immigrants unless it undertakes full representation of them in court,” writes reporter [Nina Shapiro](#).

The ruling also barred the Justice Department from sending similar orders to any other organizations around the nation.

[Read the Seattle Times article.](#)

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## Lawyer Says Texas Law Banning ‘Sanctuary Cities’ Has

# Serious Constitutional Problems

A new Texas “sanctuary cities” ban set to take effect Sept. 1 orders cities and counties not to stop law officers from asking about the immigration status of anyone they detain. It also would punish police chiefs, sheriffs and constables who fail to abide by the law or fail to comply with federal immigration detainer requests, according to a post on the website of [Androvett Legal Media & Marketing](#).

On Tuesday, the American Civil Liberties Union of Texas warned visitors that their constitutional rights could be violated when they’re in the state. A federal lawsuit has already been filed in San Antonio. On the other side, Attorney General Ken Paxton has also filed suit, asking a federal judge preemptively to uphold the constitutionality of the law.

Dallas attorney [David Coale](#) of [Lynn Pinker Cox & Hurst](#), a trial and appellate lawyer, says the new law is vulnerable.

*“States and cities can’t be made to enforce federal law because of the 10th Amendment and federal preemption of immigration law. Period. Farmers Branch and Irving, Texas, went through similar issues several years ago with their local laws about immigration. A state law that tries to make cities enforce federal law is just as problematic.”*

*“Procedurally, I expect the plaintiffs in the San Antonio case to seek some kind of temporary restraining order or preliminary injunction to enjoin the law. On both sides, you have to separate the policy from the law. Both sides have points about the importance of immigration enforcement, on the one hand, and local control over local law enforcement, on the other. The legal question, though, is about the structure of our government, which is defined by the*

*Constitution.”*

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# **Jay Peak Resort Receiver Reaches \$150 Million Settlement with Raymond James**

Michael I. Goldberg, the SEC appointed receiver in charge of the Jay Peak Resort and Burke Mountain Hotel in Vermont, reached a settlement agreement with Raymond James that will significantly benefit the defrauded investors and creditors of the receivership estate, according to a news release from [Akerman LLP](#).

Under the terms of the settlement, which must be approved by the U.S. District Court for the Southern District of Florida, Raymond James will pay \$150 million to the receivership estate and the funds will be used to satisfy the claims of numerous investors and creditors while at the same time allowing the receiver to complete construction of the Jay Peak Resort. The settlement was achieved exactly one year from the date the case began.

The Akerman release continues:

The Jay Peak case involves the largest fraud in the history of the federal EB-5 Immigrant Investor Visa Program. Raymond James allegedly assisted Ariel Quiros, owner of Q Resorts and William Stenger, president and CEO of Jay Peak, a Vermont ski resort owner by Q Resorts, in stealing and misusing millions of dollars raised from hundreds of investors. Raymond James vehemently denied any liability

whatsoever. Since July 2016, Goldberg and Raymond James have been engaged in good faith, arm's-length settlement negotiations. Upon court approval, the settlement will resolve all claims brought against Raymond James and bar any future claims that may arise from the activities associated with the Jay Peak Resort and Burke Mountain Hotel.

Goldberg said, "This settlement would not have been possible without Raymond James stepping up to the plate from the very beginning of this case in an effort to do the right thing. At all times throughout our negotiations, Raymond James acted professionally and honorably in a good faith effort to resolve the litigation. The way Raymond James approached this case is a benchmark for how other firms in a similar situation should handle such a case. I want to further thank my counsel, Jeffrey Schneider of Levine Kellogg and lead class counsel, Harley Tropin and Tucker Ronzetti of the Kozyak Tropin firm for their tireless work in helping me resolve this case and benefitting hundreds of investors and creditors. Finally, I want to thank the officials at the SEC and the State of Vermont for their unwavering commitment to protecting the defrauded investors and creditors since the very beginning of the case and helping us structure a settlement that is in the best interest of the receivership estate and the investors. The SEC's investigation and lawsuit was the catalyst for this settlement."

The settlement amount will be utilized as follows:

- \$15.3 million will be used to satisfy the promissory notes payable to the investors of Jay Peak Hotel Suites L.P.
- \$5.1 million will benefit Jay Peak Hotel Suites Phase II L.P., Jay Peak Penthouse Suites L.P., Jay Peak Golf and Mountain Suites L.P., Jay Peak Lodge and Townhouses L.P., Jay Peak Hotel Suites Stateside L.P. and Q Burke Mountain Hotel and Conference Center, L.P. by satisfying past due trade debt on the Jay Peak Resort and the Burke Mountain Hotel.

- \$19.6 million will be used to complete the construction of the Stateside Phase VI project of which up to \$2.2 million will be used to satisfy existing contractor liens.
- \$67 million will be used to return the \$500,000 principal investment each investor made in the Jay Peak Biomedical Research Park L.P.
- \$6.6 million will be used to satisfy contractor claims against the Q Burke Phase VIII project and to repay other debt on the Burke Mountain Hotel.
- \$10 million will be posted in a separate interest-bearing escrow account and be used if needed to repay up to twenty Q Burke Phase VIII Investors who may not be eligible to apply for permanent residency through the United States Citizenship and Immigration Services' EB-5 Immigrant Investor Program.
- \$1 million will be used to refund the \$500,000 investment of two investors in the Q Burke phase VIII whose I-526 petitions were denied prior to the date of the SEC Action.
- \$25 million will be set aside to pay the fees of class counsel and other attorneys who brought suits on behalf of individual victims.

Goldberg is co-chair of the Fraud & Recovery Practice Group at top 100 U.S. law firm Akerman LLP. The case of Jay Peak is the largest EB-5 fraud scheme in U.S. history and the \$150 million settlement represents the largest recovery of EB-5 investor losses.

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# Largest Immigration Law Firm in U.S. is Busy, Very Busy



Image by  
[Daniella](#)  
[Urdinlaiz](#)

The only large U.S. law firm in the country dedicated solely to immigration work is in crisis management mode in the wake of President Donald Trump's immigration order, [reports Bloomberg Law](#).

Blake Chisam, chief audit and privacy officer at Fragomen, Del Rey, Bernsen & Loewy, said the firm has started using two telephone briefings every day to alert partners about administrative issues, news updates, unsettled legal issues and upcoming risks. The firm has about 550 lawyers across the world, many of them gathering information as the situation unfolds.

The report says "Fragomen has helped clients draft letters to their board, briefed upset executives for meetings with the President, and even sued the Trump administration on behalf of a CNN journalist detained at the Atlanta airport. The firm's attorneys have also jumped in on a pro bono basis to help travelers, visa and green card holders facing deportation and uncertainty."

[Read the Bloomberg article.](#)

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# Uber CEO to Leave Trump Advisory Council After Criticism



Image by [Adam Tinworth](#)

Uber CEO Travis Kalanick responded to an onslaught of criticism to his joining President Trump's economic advisory council by resigning from the council on Thursday, [reports The New York Times](#).

The criticism came both from people outside the company and from Uber employees, explains reporter [Mike Issac](#).

First, the company took heat from the public after the company appeared to be profiting from business generated during New York protests of Trump's immigration order. Then Kalanick had to face direct criticism from his employees, who wondered why he was willing to advise the president.

“Outside of the internal pressure, Uber faced other fallout from Mr. Kalanick’s stance. More than 200,000 customers had deleted their accounts,” Issac writes.

[Read the \*Times\* article.](#)

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## Many More Legal Challenges Likely for Trump’s Executive Order on Immigration



Scholars interviewed by *The Washington Post* say that President Trump’s executive order on immigration is likely to face a series of new legal challenges about whether it violates a 1965 anti-discrimination law and the Constitution, [the newspaper reports](#).

Four federal judges have put various holds on the ban, and 16 state attorneys general have said they believe the executive order is unconstitutional.

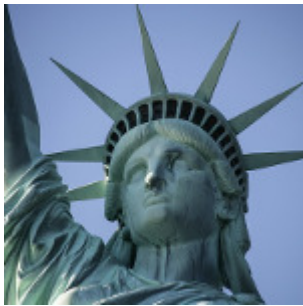
Ruthann Robson, professor of law at City University of New York School of Law, said the order could be thrown out on grounds that it violates the equal protection clause of the Constitution. “She noted that courts have criticized governmental distinctions based on ancestry and race, write [Michael Kranish](#) and [Robert Barnes](#).

[Read the \*Washington Post\* article.](#)

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# Is Trump Immigrant Order Repeating History? An Attorney Says Maybe



A Dallas constitutional law attorney says President Trump's temporary ban on immigrants and refugees at airports nationwide is extreme, but not without historical precedent, according to a post published by [Androvett Legal Media & Marketing](#).

Issued Friday, the executive order prevents citizens of seven Muslim-majority countries from entering the United States for three months. He also placed the U.S. refugee program on hold for four months. The order launched massive protests at airports in major cities across the country and brought attorneys together to offer free legal support to detained travelers.

But attorney [David Coale](#) of [Lynn Pinker Cox Hurst](#) says that presidents have conducted similar actions in the past:

*“There is a very broad 1952 statute that lets the president suspend entry by classes of aliens for security reasons. But a 1965 statute imposes anti-discrimination limits on the executive branch in how it implements immigration policy. But*

beyond that, there is not a lot of case law to go. More modest bans have been allowed by courts, but with caveats that indicate they were thinking about a possibility such as this. Jimmy Carter did something vaguely like it in 1980 during the Iran crisis by requiring Iranians here on student visas to report to immigration officials, but it is a big leap from his limited action to this one. I think that once the temporary ban ends, however, the 'extreme vetting' in the current order will be DOA. The First Amendment prohibits government action that favors one religion over another, and the current executive order clearly does so by giving non-Muslims priority status."

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## Tech Industry Reacts to Trump's Order on Immigration With Fear and Frustration



Donald Trump's executive order Friday banning citizens of certain countries from entering the U.S. for 90 days blindsided the technology industry, reports [The Los Angeles Times](#).

Reporter [Tracey Lien](#) writes that the industry had thought that its main battle on the immigration front was over the number of H-1B visas – granted to high-skilled foreign workers – that will be made available each year.

But now lawyers are fielding calls from worried tech workers with visas and green cards. And they're having to adjust their

advice to those clients as each day's news comes out.

"For those abroad, we are telling them to come back as soon as possible, and be prepared to face questioning and possible refusal," Los Angeles immigration attorney Ayda Akalin said.

[Read the \*Los Angeles Times\* article.](#)

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## Sanctuary Cities See Legal Holes in Trump's Immigration Orders

Reuters is pointing out that President Donald Trump's executive order directing federal agencies to take away funding from self-proclaimed sanctuary cities had one big exemption for one of his favorite constituencies: the police, who would be protected from cuts.

In [the article](#), reporters [Mica Rosenberg](#), [Dan Levine](#) and [Andy Sullivan](#) explain that it's possible that very exemption makes it much more likely that a judge could strike down that section of the order as unconstitutional.

The article says: "The Trump administration cannot cut funds for sanctuary cities' healthcare and education while preserving money for police, since those jobs relate more closely to immigration enforcement, said Richard Doyle, city

attorney in San Jose, California. He said it was not clear whether existing federal funding or only future grants would be targeted.”

[Read the Reuters article.](#)

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## Obama Nominates Possible First Muslim-American Judge to Federal Court

NBC News is reporting tht Muslim-American groups are applauding President Barack Obama’s nomination of a Washington lawyer to serve in U.S. District Court – a move that could make him the first ever Muslim-American federal judge, according to advocates.

“If confirmed, Abid Riaz Qureshi would sit on the District of Columbia’s federal bench, the White House announced Tuesday,” [according to the report](#) by Chris Fuchs. “Qureshi, who graduated Harvard Law School in 1997, is a partner in the D.C. office of Latham & Watkins LLP, specializing in healthcare fraud, securities violations, and cases involving the False Claims Act, according to a White House statement.”

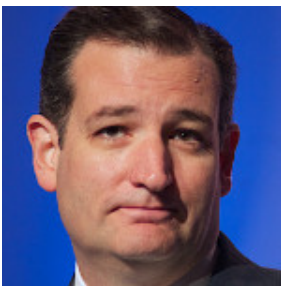
The report says that, while Muslim Americans have filled roles

as state judges, none have served at the federal trial or appellate levels, according to Muslim Advocates, a national legal advocacy organization.

[Read the article.](#)

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## Ted Cruz's Call to 'Secure' Muslim Neighborhoods Stirs a Backlash



*Photo* by [Jamelle Bouie](#)

GOP presidential candidate Senator Ted Cruz angered American Muslims on Tuesday with a call to “patrol and secure Muslim neighborhoods” in the wake of the terrorist attacks in Brussels, reports [The New York Times](#).

He said that some politicians had “tried to deny this enemy exists out of a combination of political correctness and fear.” And he added that Europeans were “seeing what comes of a toxic mix of migrants who have been infiltrated by



terrorists and isolated, radical Muslim neighborhoods.”

“We need to empower law enforcement to patrol and secure Muslim neighborhoods before they become radicalized,” he said in a release

*The Times* reported that the comments drew immediate rebukes from Muslim groups. Last week, he came under fire after announcing a team of national security advisers that included Frank Gaffney Jr., a former Reagan administration official who is perhaps best known for holding extreme views about Islam.

[Read the article.](#)

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## Last Call for H-1Bs

By [Sujata Ajmera](#), Partner,  
[Strasburger & Price](#)



**Sujata Ajmera**

The H-1B visa allows employers to hire skilled foreign national professionals to work in the United States for up to six years. The beauty of this specific visa type is that it

transcends all industries, so virtually any company seeking to hire a skilled, professional foreign national worker is eligible to file an H-1B petition for that individual. However, because of its ubiquity, it is also by far the most commonly sought after visa type.

H-1B visas are subject to an annual quota, and the filing window for any given fiscal year opens on April 1st and does not close until the cap has been reached. This is not-so-affectionately referred to as “H-1B cap season” among immigration practitioners. By law, there are 65,000 H-1B visas available annually, with an additional 20,000 set aside for individuals with U.S. Master’s degrees or higher. 85,000 visas may sound like a lot, however, when you consider that last year alone almost 233,000 H-1B visa petitions were filed in the first week of April, it becomes clear that timing is everything.

A late filing will result in a rejected petition, which means that the company must wait a full year before becoming eligible to submit a new petition. The time to start preparing is now.

Even if a company files their H-1B petition on April 1st, if the government receives an excess of petitions, which is likely to happen again this year, they conduct a random lottery, making it pure chance whether or not a company’s petition is selected or rejected. The uncertainty can be daunting, however for many employers, this is their only option to retain foreign talent; and their business success often depends on being able to hire such skilled workers.

With Austin’s robust technology, semiconductor, manufacturing, and gaming industries, there are many companies that will have a need to participate in the H-1B visa program this year. If you have not yet reached out to an immigration attorney, now is the time to get the ball rolling to ensure a timely filing and fair shot at receiving a visa for your valued foreign

national employees. Most attorneys will tell you that they would like at least 2 weeks to get a filing together – though they can sometimes be prepared in slightly faster than this. The clock is ticking...

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## H-1B Visa – 2016 Filing Season



Starting April 1, 2016, the U.S. Citizenship and Immigration Services will begin accepting H-1B visa petition filings – subject to the annual cap – for the next fiscal year, which begins Oct. 1, 2016, reports [Constangy, Brooks, Smith & Prophete, LLP](#) on its website.

The H-1B visa program allows U.S. employers to employ foreign workers temporarily in specialty occupations.

“To maximize client chances that their applications will be picked in this year’s anticipated lottery, we strongly recommend that H-1B visa petitions that are subject to the cap be filed as close to April 1, 2016, as possible,” [the firm advises](#).

The article lists exceptions to the H-1B cap and alternatives to the H-1B.

[Read the article.](#)