



**ALEJANDRO MAYORKAS**

USCIS will 'clarify' rules on H-1B visas

The United States Government has announced several initiatives to make green cards easier to obtain for those who will start or bring in a new business in America.

The effort aims to attract more investment from foreign entrepreneurs to spur job growth and help boost the economy currently facing difficulties.

According to the U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas, no laws or visa regulations are being changed.

Instead, Mayorkas said the USCIS is highlighting possible loopholes and waivers that will ease bids for green cards for foreign entrepreneurs, especially those who want to set up shop in high-tech industries.

Calling the initiative “an important step forward,” Mayorkas said the agency is “dedicated to ensuring that the potential of our immigration laws is fully realized.”

These initiatives are also designed to “clarify” H-1B and green card rules and increase the speed and efficiency in processing the applications, he said.

Agency staff who examine applications for permanent residency are being trained to know how visa rules apply differently to owners of startup businesses.

Business-minded applicants who show that their work is in America’s best interest will have their visa applications fast-tracked, Mayorkas said.

Previous requirements — such as a job offer from an existing company and a certification from the Department of Labor — will no longer be necessary.

The rules can also now be stretched so that techies who are the sole owner and only employee of their companies can essentially petition for a visa by themselves.

In those cases, applicants must have the backing of the startup's shareholders or corporate board in order to qualify for a temporary work visa, known as H-1B.

The new policies, however, don't change quotas that only allot a certain number of work visas every year to highly skilled immigrants from a particular foreign country.

Those quotas are widely seen as creating long wait times for skilled workers, especially those from China and India.

As part of the new measures, the USCIS has published a Frequently Asked Questions (FAQs) document on its website to clarify its new policies on applications for the EB-2, H-1B and EB-5 and E13 visas by foreign entrepreneurs and investors.

The USCIS also updated the H1-B guidelines to clarify business owners on H1-B visas could work in the U.S. for their own companies, provided that they work full-time and the individual's employment is decided by a corporate board or shareholders of the start-up company.

The documents also clarify that foreign entrepreneurs can apply for the EB-2 Visa without a specific job offer from an established company.

Generally, this visa category requires employers to go through a lengthy process called labor certification.

Now, these requirements can be waived if the applicant demonstrates to CIS that their ventures are in the country's best interest.

In addition, the EB-5 visa program, which grants permanent residency to migrants investing at least \$500,000 a U.S. project that generates at least 10 jobs, will be enhanced with faster processing times by transforming the intake and review process, more flexible rules and establishing direct communication between applicants and the USCIS.

They are developing a phased plan to proceed these enhancements and stated that they will be implemented “within 30 days.”