



Agenda

American Competitiveness in the Twenty-First Century Act of 2000 (AC21)

Wednesday, July 13, 2011
2:00 pm (EDT)

Discussion Topics

- **H-1B Extensions Beyond Statutory Six Year Limitation**
 - *Exemption Due to Lengthy Adjudication Delays* - Section 106(a) of AC21
 - *Exemption Due to Visa Limits or Unavailability* – Section 104(c) of AC21
- **Calculating H-1B Admission Period**
- **Portability of H-1B Status**
 - *Requirements for H-1B Portability* –AC21 §105 and INA §214(n)
- **Job Flexibility or I-140 Portability**
 - *I-140 Validity and Portability*
 - AC21 §106(c)
 - [Matter of Al Wazzan](#)
 - *Application for “same or similar” adjudication*
 - USCIS is considering a proposal to require aliens to file an application with fee for adjudication by USCIS to determine whether the new position is in the “same or similar” occupational classification which could be adjudicated prior to the adjustment application greatly benefitting visa regressed cases;

- USCIS may also propose to refer to a number of published sources and other comparable elements to determine if the new position is the same or a similar occupational classification as the position in the original Form I-140

- **H-1B Whistleblower Provision**

- ACWIA provides for enhanced penalties against H-1B employers who violate attestations made on the labor condition application (LCA);
- USCIS would like stakeholder feedback on the H-1B whistleblower provisions and how it would work;
- Suggestions for a grace period during which an H-1B whistleblower may seek new H-1B employment.

- **Employer Debarment for Non-Compliance with LCA Attestations**

- USCIS presently follows the DOL recommendations for periods of debarment for employers found to have violated LCA conditions and attestations;
- USCIS would like stakeholder feedback on employer debarments and suggestions for improvement and/or modification to the existing process.