



Immigration Update

President Trump signs new executive order "Buy American and Hire American"

April 24, 2017

On April 18, 2017, President Trump signed a new executive order (EO) "Buy American and Hire American" that, among other things, directs the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of Homeland Security to suggest reforms to the H-1B visa program so visas "are awarded to the most-skilled or highest-paid petition beneficiaries." In addition, the EO directs the federal agencies to propose new rules and issue new guidance to prevent fraud or abuse in the US immigration system to protect the interests of American workers.

Contacts:

Joel Guberman
Founding Partner
Guberman Garson LLP
Tel: 416-874-3964

Lorna Sinclair
National Leader
Global employer services
Deloitte LLP
Tel: 416-643-8224

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As anticipated, with the possible changes to the H-1B visa program, there has been a significant decrease in the total number of H-1B petitions US Citizenship and Immigration Services (USCIS) received this year for the congressionally mandated H-1B visa cap. On April 17, 2017, USCIS announced that it had received 199,000 H-1B petitions during the filing period, which began on April 3, 2017. This represents a 15.7 percent decrease from last year when 236,000 petitions were received during the same filing period.

While the EO directs the federal agencies to conduct their review "as soon as practicable", the EO will likely have no immediate effect as changes to the H-1B visa program will require changes to legislation or new rules that will take time in order to go through the legislative process.

Users of the H-1B visa program are encouraged to contact their immigration counsel to remain abreast of any proposed changes and, in the event changes are made that affects a foreign national's eligibility for an H-1B visa, to determine whether there are alternative options available.

Have questions?

As always, if you have any questions or concerns, please contact your immigration lawyer at Guberman Garson LLP (416 363 1234).

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Guberman Garson LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West, 9th Floor
Toronto, Ontario M5H 0A9
Canada
Tel: (416) 363-1234
Fax: (416) 363-8760

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Deloitte LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West, Suite 200
Toronto, Ontario M5H 0A9
Canada

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