

GMS Flash Alert



Immigration Edition

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United States - "In Person" Interviews Expanded for Employment-Based AOS Applicants

On August 28, 2017, United States Citizenship and Immigration Services (USCIS) announced that it will be expanding interview requirements in the adjudication of Adjustment of Status ("AOS") to Permanent Resident (otherwise known as "green card") status for applicants under the employment-based class.¹ As the USCIS notice indicates, previously, in-person interviews were not required for this class of applicants, except in exceptional cases.

WHY THIS MATTERS

The expanded in-person interview requirement will add an additional layer of scrutiny to employment-based green card applicants, and will also likely delay processing times for these types of applications.

Employers should anticipate these additional requirements by working closely with immigration counsel to foster the appropriate handling of interviews. Immigration counsel may be able to provide general and one-on-one preparation for green card interviews based on the company's and applicant's particular needs.

Further Insight

The stated purposes of **the interviews to be phased-in beginning October 1, 2017**, are to verify the information provided in an individual's application, to discover new information that may be relevant to the adjudication process, and to determine the credibility of the applicant. This change complies with Executive Order 13780, "Protecting the Nation

From Foreign Terrorist Entry Into the United States," and is part of a comprehensive strategy to further improve the detection and prevention of fraud and enhance the integrity of the immigration system.

KPMG NOTE

KPMG Law LLP will continue to provide updates regarding the impact of this requirement as and when they become available. In the meanwhile, employers are encouraged to reach out to immigration counsel for specific guidance in preparing affected applicants throughout the AOS process.

FOOTNOTE:

1 USCIS press release dated August 28, 2017 "USCIS to Expand In-Person Interview Requirements for Certain Permanent Residency Applicants."

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We invite you to read the latest *The Expatriate Administrator* article: "[With Employees on Assignment, Determining Who Is the Employer Is Not Always Easy to Figure Out](#)"

In the context of global mobility, there is often confusion around the tax treatment of employees sent to a foreign country for work. For a global mobility tax adviser, it's not unusual to hear the following question: "Will my employee's work-days in the other country be taxable there?" This question is often followed by others: When is remuneration paid by, or on behalf of, an employer in the other country? Who is the employer in this context? What are the criteria that determine the economic employer? Why is the recharge of salary costs relevant? What countries apply the economic employer concept? Why is this relevant for me?

In this article, Maikel Wijsbek, with the KPMG International member firm in Luxembourg, examines these questions and discusses the many aspects of "economic employer" as well as to what extent an exemption under Article 15 of a taxation treaty might be granted so that an employee might not be subject to host country taxation

To read more, click [here](#).

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or the following professional with the KPMG International member firm in Canada:



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* Please note that KPMG LLP (U.S.) does not provide any immigration services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.

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