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## **Immigration Law Update**

### **Current Developments in Employment-Based Immigration**

#### **Greetings!**

*This is the latest installment in our efforts to keep you apprised of the rapidly changing U.S. immigration environment. Some of the most recent changes could have a serious impact on you or your employees, and we urge you to communicate these changes to interested parties.*

## **UPDATE: DOS AND USCIS RESPOND TO L-1B ISSUES IN INDIA**

Over the last year, US Consulates abroad and the USCIS Service Centers here at home have internally narrowed the criteria for L-1B eligibility. While the changes in L-1B adjudications stem from the understandable concern of visa misuse and fraud, particularly in India, this new standard strays from decades of legal precedent and adjudication history. Late last month, upon questioning from the American Immigration Lawyer's Association (AILA), representatives from both the Department of State and USCIS have indicated that they will be upholding this new and exacting standard for Blanket L-1B petitions. In light of this response, employers considering L-1B petitions for current employees should consult Rosner Partners to discuss this new standard of adjudication and to determine if an alternative form of petition is suitable.

## **FISCAL YEAR 2013 H-1B CAP COUNT**

USCIS has begun accepting H-1B petitions for fiscal year 2013 for start dates of October 1, 2012 or later. H-1Bs are available on a fiscal year basis with an annual limit of 65,000 with 20,000 extra H-1B's available to individuals who have U.S. Master's degrees. To date, approximately 25% of the

available H-1Bs have already been used, which is double the amount claimed at this time last year. Employers with new hires who are impacted by the H-1B cap count should contact Rosner Partners as soon as possible to begin the H-1B preparation process.

Cap Type	Cap Amount	Cap Eligible Petitions	Date of Last Count
H-1B Regular Cap	65,000	17,400	04/09/2012
H-1B Master's Degree Exemption	20,000	8,200	04/09/2012

## MAY 2012 VISA BULLETIN

Please note that priority dates for Chinese and Indian nationals in EB-2 have retrogressed significantly.

Employment-Based	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	15AUG07	15AUG07	C	C
3rd	01MAY06	01APR05	08SEP02	01MAY06	01MAY06
Other Workers*	01MAY06	22APR03	08SEP02	01MAY06	01MAY06
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th Targeted Employment Areas/Regional Centers and Pilot Programs	C	C	C	C	C

*For additional information about any of the topics presented here, please contact us. If you would prefer not to receive future e-mails of this nature, please unsubscribe on the link below.*

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