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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.

CBP Introduces Global Entry Kiosks

This month US Customs and Border Protection introduced Global Entry kiosks in two Canadian airports. These kiosks in Vancouver and Ottawa will allow US citizens and lawful permanent residents, Canadian nationals, Mexican nationals and Dutch citizens to avoid long immigration lines and process through US Immigration via a self service kiosk. This service is also available at 20 US airports and has reduced wait times by 70%. Individuals interested in utilizing these kiosks must enroll in the Global Entry program, which requires a \$100 fee, an in-person interview and fingerprinting. Once completed, individuals receive a five year membership in the Global Entry program. For more information, please contact Rosner Partners.

Best Practice: L-2 Spouses and Work Authorization Cards

L-2 visa holders, the spouses of L-1A Multinational Managers, Executives, and Specialized Knowledge employees are authorized by statute to work incident to status in the US. In order to begin working, however, DHS requires L-2 individuals to obtain a work authorization card. It has come to our attention that the Social Security Administration is issuing Social Security cards to L-2 visa holders, without evidence of a

work authorization card (EAD) and advising individuals that further documentation is unnecessary. This inconsistency between agencies has led to some understandable confusion for L-2 visa holders. Consequently, Rosner Partners advises that all L-2s obtain a work authorization card in addition to a U.S. Social Security card, before commencing employment. L-2s should be aware that work authorization cards take 90 days to process, and require a filing fee of \$380.

Premium Processing: Categories Eligible to Premium Process Applications

Employment-based petitions oftentimes are time-sensitive and require expedient adjudication. However, USCIS processing times can run long and lead to delays. To address this concern, USCIS allows for some non-immigrant and immigrant petition categories to receive premium processing. For an additional fee of \$1225, premium processing guarantees processing of petitions in 15 calendar days. This means that USCIS will approve, deny or issue a request for further evidence within 15 days of receiving the petition. Note though, that premium processing is not available for all categories, most notably, it is not currently available for EB-1, Multinational Managers or Executives or EB-2 National Interest Waiver petitions. If time is a factor in your employee's petition please contact Rosner Partners to see if premium processing is available for your employer's petition.

New Diversity Lottery Results Now Available

The results of the FY 2012 Diversity Lottery Results are now available. Applicants can check the status of their applications by going to www.dvlottery.state.gov and clicking on "Entry Status Check", July 15, 2011 through June 30, 2012. Please note that this is the only method by which individuals will be notified of the results of the diversity lottery as the Kentucky Consular Center no longer sends mail or email notification of results. If an individual has been selected, the Entry Status Check will also provide further information on further steps to process their immigrant visa.

Latest FY 2012 H-1B Cap Count Numbers

H-1B Cap season is in full swing, and many employers are noting an increased pace in cap number use. Consequently, Rosner Partners urges employers with individuals subject to the H-1B cap to begin the H-1B petition process as soon as possible to ensure the H-1B allotment is not exhausted. Please see the most up-to-date figures below.

Cap Type	Cap Amount	Cap Eligible Petitions	Date of Last Count
H-1B Regular Cap	65,000	22,700	7/29/2011
H-1B Master's Exemption	20,000	13,800	7/29/2011

August Visa Bulletin

The August 2011 Visa Bulletin released by the Department of State again shows movement forward in the employment-based second preference and third-preference categories. Individuals with priority dates before the dates listed in their respective categories are eligible to file adjustment of status (green card) applications as of the first of August. Those that filed previously with current priority dates are now ripe to be adjudicated. Eligible foreign nationals should contact Rosner Partners at their earliest convenience to begin the adjustment of status process or to follow up on the status of their case.

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	15APR07	15APR07	C	C
3rd	01NOV05	08JUL04	01JUN02	01NOV05	01NOV05
Other Workers	01MAY05	22APR03	01JUN02	01MAY05	01MAY05
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
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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.

**Sincerely,
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