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Immigration Law Update

Current Developments in 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.

USCIS Reaches Cap for H-1Bs for Fiscal Year 2015

Due to the numerous petitions filed this year, on April 7, the USCIS announced that they have reached the statutory Cap for H-1B visas for the 2015 fiscal year. In total USCIS received 172,500 petitions for the filing period, for 65,000 Bachelor's degree slots and 20,000 Master's degree slots. Those successful in the H-1B lottery have been receiving H-1B receipt notices over the past couple of weeks. USCIS has indicated it has completed receipting all H-1B cap cases and petitions of those not selected in the lottery are now being returned.

Any Difference with Premium Processing of an H-1B?

The benefit of filing under Cap H-1B petition with premium processing is that the receipt notice will be issued faster than if filed under the regular process. The beneficiary and the petitioner may learn faster whether or not the petition has been chosen in the lottery. This information is particularly important to individuals running out of OPT in April because it allows them to get their I-20s registered proof of continuing work authorization sooner. Premium processing doesn't increase the odds of obtaining an H-1B under the quota. If there is a request for premium processing, and it is accepted, the processing will start on April 28, 2014.

Possibilities to Remain in the United States for a Non-Immigrant Student with F-1 Status

According to a regulation of the Department of Homeland Security (DHS), issued on April 8, 2008, a student with F-1 visa, who is currently working on Optical Practical Training (OPT), and has timely filed an H-1B petition to change his/her status can extend his/her stay, if the H-1B petition is accepted. If the non-immigrant student has OPT which expires before October 1, the person will remain in a

valid status and can work through September 30, while the petition is pending in the USCIS.

Request for Evidence (RFE) for Expiring Medical Exams

Effective June 1, 2014, Forms I-693 submitted to USCIS jointly with adjustment of status applications, more than a year old, are no longer valid. For this reason, USCIS is issuing notices to inform applicants that the Form I-693 that they already provided as evidence to support their adjustment status application is close to reaching its expiration date. This is based on the fact that on May 31, 2014, the most recent extension of the Civil Surgeon's Endorsement Act will expire. That establishes that in certain preference categories, the USCIS has agreed to extend the validity of the I-693 until the time of adjudication.

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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