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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.

USCIS Original Approval Notice Policy Restored

USCIS has reversed its position on approval notices, and will now restore the practice of sending a courtesy copy to the employer and the original approval notice to the attorney-of-record. In early September, USCIS began mailing approval notices on form I-797 directly to petitioners and applicants; however, due to strong pushback by applicants and attorneys, USCIS has chosen to resume its original practice of mailing the original approval notice to the attorney-of-record. Please note that it may take six weeks for USCIS to begin re-routing the original approval notices to attorneys again. In light of this, it is imperative that employers and applicants check their correspondence regularly and alert Rosner Partners if an original approval notice is received.

H-1Bs Going Fast

Rosner Partners has noticed a rapid increase in the rate at which the H-1B Cap Count is progressing. Rosner Partners anticipates the H-1B Cap Count may be fulfilled as early as December 2011. Any employer wishing to initiate an H-1B for an individual subject to the H-1B cap should contact Rosner Partners as soon as possible to begin the H-1B petition process. Once the H-1B allotment is exhausted employers will have to wait until April 1, 2012 to apply for cap-subject individuals and the earliest start date available will be October

1, 2012. 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	56,300	11/14/2011
H-1B Master's Exemption	20,000	20,000	11/14/2011

Blanket L Visas in India To Be Processed Exclusively at U.S. Consulate General in Chennai

Beginning on December 1, 2011, the U.S. Consulate General in Chennai will be the sole application center in India for individuals applying through the Blanket L process. Applicants for individual L visas and spouse and dependents applying for L-2 visas will still be processed at all of the consular posts in India.

December Visa Bulletin

The December 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 December. 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	15MAR08	15MAR08	C	C
3rd	15JAN06	08SEP04	01AUG02	15JAN06	15JAN06
Other Workers	01JAN06	22APR03	22JUL02	01JAN06	01JAN06
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.

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