



Minsky, McCormick & Hallagan, P.C.

A Full-Service Law Firm Dedicated To All Aspects of U.S. Immigration & Nationality Law

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NEWSLETTER

1.) U.S. State Department March 2010 Visa Bulletin Released

On February 9, 2010, the U.S. State Department released its March 2010 Visa Bulletin. Forward movement occurred in the China EB-2 and EB-3 categories as well as the India EB-2 and EB-3 categories.

http://travel.state.gov/visa/frvi/bulletin/bulletin_4659.html#

2.) H-1B Filing Season

April 1, 2010 is the first day to file new H-1B nonimmigrant petitions for the 2011 fiscal year. If the H-1B petition is granted by USCIS, then the foreign national may begin work in H-1B status no sooner than October 1, 2010. Each fiscal year there are approximately 65,000 H-1Bs awarded to individuals with Bachelor's degrees and an additional 20,000 to those with Master's degrees. While there's no way of knowing how quickly the H-1B numbers will be exhausted this year, the safest way to ensure that H-1B status will be awarded to a foreign national employee, is to submit the application on the first day of filing eligibility (April 1, 2010).

The types of foreign national employees that may benefit from H-1B status include individuals who currently hold: TN, L-1B and O nonimmigrant status, as well as F-1 students working on CPT/OPT (Curricular Practical Training or Optional Practical Training) and others. If you'd like to discuss whether or not a particular foreign national employee may benefit from H-1B status, please contact your MMH Designated Attorney.

3.) U.S. Department of Justice, Office of Special Counsel Released its Winter 2010 Newsletter

The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) investigates and prosecutes allegations of immigration related discrimination as well as unfair documentary practices during the employment eligibility verification process and retaliation under the antidiscrimination provision of the Immigration and Nationality Act (INA). In addition, OSC conducts outreach aimed at educating employers, workers and the general public about their rights and responsibilities under the INA's anti-discrimination provisions. The OSC Winter 2010 Newsletter provides information about E-Verify for Federal Contractors, SSA No Match letters and more. <http://www.justice.gov/crt/osc/pdf/OSCWINTER2010.pdf>

4.) USCIS Updated Its Employment Based Form I-485 Application for Adjustment of Status Inventory Reports

In January 2010, the U.S. Citizenship and Immigration Services (USCIS) posted updated employment-based I-485 Applications for Adjustment of Status Inventory Reports on its website. The reports show the number of I-485 applications pending with the USCIS Service Centers, as of December 11, 2009. The data is broken down by the month and year in which the priority date of the related immigrant petition falls and includes certain detailed information for countries such as China and India.

The USCIS Inventory Reports do not include I-485 applications pending at USCIS district offices nor do they include I-485 applications pending at U.S. Consulates abroad. It is also important to note that the Inventory Reports do not reveal how long it will take for a visa number to become available for a particular foreign national. The U.S. Department of State (DOS) is responsible for allocating the approximately 140,000 employment-based visas available each fiscal year. Given the variety of

factors involved, which include the preference category and per-country limitations, along with the “spill over” provisions regarding unused numbers in other categories, it is very difficult to determine future visa availability.

<http://www.uscis.gov/USCIS/Green%20Card/Green%20Card%20Through%20a%20Job/i-485-pending-inventory.pdf>

In addition, USCIS prepared a Question & Answer document that explains its Employment Based I-485 Inventory Report:
<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=5e170e6bcb7e3210VgnVCM100000082ca60aRCRD&vgnnextchannel=ae853ad15c673210VgnVCM100000082ca60aRCRD>

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