



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. Department of State (DOS) Releases the May 2011 Visa Bulletin

On April 8, 2011, the U.S. Department of State (DOS) issued the May 2011 Visa Bulletin. The China, EB-3 category moved forward by one week, compared to last month's bulletin. Priority dates for the India, EB-2 category advanced substantially by almost two months. DOS indicated that the current level of demand for EB-1 and certain preference category EB-2 visa numbers has declined. Accordingly, the EB-2 China and India categories may experience enhanced advancement without regard to per-country limits. In addition, DOS also made the following announcement in the May 2011 Visa Bulletin, located in Section D., Visa Availability in the Coming Months, Employment Second: "Demand by applicants who are "upgrading" their status from Employment Third to Employment Second preference is very high, but the exact amount is not known. Such "upgrades" are in addition to the known demand already reported, and make it very difficult to predict ultimate demand based on forward movement of the China and India cut-off dates. While thousands of "otherwise unused" numbers will be available for potential use without regard to the China and India Employment Second preference per-country annual limits, it is not known how the "upgrades" will ultimately impact the cut-offs for those two countries."

[http://www.travel.state.gov/visa/bulletin/bulletin\\_5424.html](http://www.travel.state.gov/visa/bulletin/bulletin_5424.html)

## 2.) United States Citizenship and Immigration Services (USCIS) Announces Latest FY2012 H-1B Filing Numbers

U.S. Citizenship and Immigration Services (USCIS) updated its count of FY2012 cap-subject H-1B petitions and advanced degree cap-exempt receipted petitions. As of 4/22/2011, approximately 8,000 H-1B cap-subject petitions were receipted. USCIS has receipted 5,900 H-1B petitions for aliens with advanced degrees.

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=4b7cdd1d5fd37210VgnVCM100000082ca60aRCRD&vgnnextchannel=73566811264a3210VgnVCM1000000b92ca60aRCRD>

## 3.) U.S. Department of State (DOS) Broadens Visa Revocation Authority

On April 27, 2011, The U.S. Department of State (DOS) published a new rule giving consular officials broadened authority to revoke visas on a discretionary basis. This new rule was published in the Federal Register and is effective immediately. The consular official may revoke a visa or provisionally revoke it if more information is needed in order to determine a foreign national's visa eligibility. Since consular officials are not required to issue a notice of revocation, a foreign national may be notified of such adverse action at a U.S. port of entry and refused admission. In such instances the foreign national would experience substantial travel delays to return to the U.S. after a trip abroad and the revocation may also affect the foreign national's ability to obtain subsequent visas.

This MMH Newsletter has been created to provide you with information on the most recent and relevant developments in U.S. immigration-related law, regulations and policy. An MMH Newsletter is never a substitute for fact specific immigration related legal analysis and guidance. If you have any questions about this MMH Newsletter and how the information provided might affect your specific circumstances, please contact an MMH Immigration Attorney at [www.mmhpc.com](http://www.mmhpc.com) or (312) 427-6163. If you wish to unsubscribe from this Newsletter, please respond to this e-mail with the subject line "Unsubscribe".

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