



Minsky, McCormick & Hallagan, P.C.

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

August 2011

Volume 3, No. 8

NEWSLETTER

1.) U.S. Department of State (DOS) Releases the September 2011 Visa Bulletin

On August 10, 2011, the U.S. Department of State (DOS) issued the September 2011 Visa Bulletin. The China, EB-3 category moved forward by one week, compared to last month's bulletin, while the EB-2 category did not advance. Priority dates for the India, EB-2 category did not advance, but the EB-3 category advanced by one month. http://www.travel.state.gov/visa/bulletin/bulletin_5542.html

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

On August 4, 2011, USCIS updated its count of FY2012 cap-subject H-1B petitions and advanced degree cap-exempt petitions received. As of 7/29/11, approximately 22,700 H-1B cap-subject petitions were received. USCIS has received 13,800 H-1B petitions for aliens with advanced degrees.

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=4b7cdd1d5fd37210VgnVCM10000082ca60aRCRD&vgnnextchannel=73566811264a3210VgnVCM100000b92ca60aRCRD>

3.) U.S. Department of Labor's National Prevailing Wage Center suspends processing prevailing wage determinations.

Employers seeking to sponsor foreign national workers for permanent residence through PERM labor certification are required to seek a prevailing wage determination from the U.S. Department of Labor (DOL). DOL has announced that it will suspend processing of prevailing wage requests for permanent labor certifications (PERMs) to comply with a judicial order from the U.S. District Court for the Eastern District of Pennsylvania related to H-2B visas. The Department has advised that processing will resume no earlier than August 31, 2011 and could be suspended until September 30, 2011. <http://www.foreignlaborcert.doleta.gov/pdf/2011-19319.pdf>

This delay impacts all foreign nationals seeking permanent residence through the PERM process, which requires a prevailing wage determination. DOL's action may delay new green card processing through PERM labor certification and may impact the ability to extend H-1B work authorization beyond the maximum period allowed. As the timing of the filing of a PERM application is critical to the ability to extend H-1B status beyond the six year maximum, employers of foreign nationals for whom PERMs have not yet been filed may need to consider alternate plans to deal with this delay. The delay may also impact foreign nationals in other nonimmigrant categories who are reaching the end of their maximum permissible stay in the United States and who intend to seek permanent residence through PERM labor certification.

4.) U.S. Department of State Warns of Fraudulent Notices Sent to Diversity Visa Applicants

The US Department of State has issued a warning on the notable increase in fraudulent e-mails and letters sent to Diversity Visa (DV) applicants from scammers posing as U.S. officials in an attempt to extract payment from DV applicants. The notice includes where and how to report fraudulent e-mails. http://travel.state.gov/visa/immigrants/types/types_1749.html

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 or (312) 427-6163. If you wish to unsubscribe from this Newsletter, please respond to this e-mail with the subject line "Unsubscribe".

Minsky, McCormick & Hallagan, P.C.
210 S. Clark Street, Suite 2025
Chicago, Illinois 60603
Tel: 312-427-6163 Fax: 312-427-6513
www.mmhpc.com