



Minsky, McCormick & Hallagan, P.C.

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

January 2011

Volume 3, No. 1

NEWSLETTER

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

On January 12, 2011, the U.S. Department of State (DOS) issued the Visa Bulletin for February 2011. The China, EB-3 category moved forward by several weeks, compared to last month's bulletin. In contrast, priority dates for the India, EB-3 category retrogressed by a few weeks. http://travel.state.gov/visa/bulletin/bulletin_5113.html

2.) U.S. Citizenship and Immigration Services (USCIS) Reaches FY2011 H-1B Cap

On January 27, 2011, the U.S. Citizenship and Immigration Services (USCIS) announced that on the previous day, the agency received a sufficient number of H-1B petitions to reach the statutory cap for the Fiscal Year (FY) 2011. USCIS indicated that it will no longer accept regular or advanced degree cap-subject H-1B petitions for FY 2011. In addition USCIS will apply a computer-generated random selection process to all petitions that are subject to the cap and were received on January 26, 2011. USCIS will use this process to select petitions needed to meet the cap. The agency will reject all remaining cap-subject petitions not randomly selected and will return the accompanying fee. USCIS' Fiscal Year 2012 will begin starting on April 1, 2011 where the agency will accept cap subject regular and master's cap H-1B petitions for employment that will begin on October 1, 2011. It should be noted that the agency will continue to accept H-1B extensions and amendment nonimmigrant petitions.

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=7fd9b9138c9cd210VgnVCM100000082ca60aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>

3.) U.S. Citizenship and Immigration Services (USCIS) Issues an Updated I-9 Handbook for Employer

On January 12, 2011, U.S. Citizenship and Immigration Services (USCIS) released an updated version of its "Handbook for Employer" (M-274). This handbook provides employers with detailed instructions on how to complete the I-9 employment verification form. The updated handbook (version 01/05/11) includes useful clarification on such issues as: what to do with a name change for a recently married woman, and how to properly I-9 an H-1B worker who is "porting" to new employment. In the circumstance of the "porting" H-1B worker, the acceptable List A documents includes the employee's passport and the I-94 card from his or her previous employment. In addition the employer representative must write "AC-21" and the date the company submitted its I-129 nonimmigrant petition to USCIS, in the margin of the I-9 form next to Section 2 of the I-9 form.

<http://www.uscis.gov/files/form/m-274.pdf>

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