



Breaking News

January 22, 2014

February 2014 Visa Bulletin Conveys Mixed Messages

The Department of State Visa Bulletin for the month of February shows slow movement across most categories. On the family side the Family 2A Preference, for spouses and unmarried children under 21 of permanent residents remains for most of the world at September 8, 2013, and F2A for Mexico, September 1. Mexico F2B, unmarried adult sons and daughters of permanent residents, retrogresses almost a year to May 1, 1993. The rest of the family based categories show movement of a few weeks in most cases.

On the employment-based side, EB 2 for India remains at November 15, 2004 and China EB 2 advances four weeks to January 8, 2009. China EB 3 advances a full two months to June 1, 2012. EB 3 for India also remains frozen at September 1, 2003 and EB 3 (including "other workers") for the rest of the world advances two months to June 1, 2012, except for the Philippines which moves forward to April 15, 2007.

The Visa Bulletin confirms many of the predictions we reported at the beginning of the fiscal year, including: EB2 worldwide is expected to remain current throughout FY 2014. EB2 for India is not likely to advance until May of 2014. EB2 for China is expected to continue to advance by three to five weeks a month. EB2 for China will continue to have a longer waiting list than EB3. Amazingly, in February that means EB3 is three and a half years ahead of EB2 for China. This difference in dates can pose a quandary for those seeking to move up to EB2 from

About Us

Ware|Gasparian has expertise in all areas of immigration law ranging from business and education to asylum and deportation. We provide comprehensive immigration-related services to clients around the world representing corporations, educational institutions, businesses, and individual clients.

[More](#)

Locations

MAIN OFFICE
3850 N. Causeway Blvd.
Suite 555
Metairie, Louisiana
70002
Tel: 504/830-5900
Fax: 504/830-5909
Toll-Free: 1(866) 833-8308

BIRMINGHAM, AL
4000 Eagle Point
Corporate Drive
Birmingham, AL 35242
Tel: (205) 521-0007

PENSACOLA, FL
201 E. Government
Street
Pensacola, FL 32501
Tel: 850/434-9094

BATON ROUGE, LA

EB3: stay or move? This also presents an opportunity for those Chinese with an approved labor certification who are already approved in EB 2, or having an approved labor certification, are trying to decide in which preference category to apply: obviously at the moment EB 3 makes the most sense. Moreover, applying in both the EB 2 and EB 3 categories is in no way prohibited or harmful. So among our clients, many are employing this strategy, and even filing their applications for adjustment of status, applying their old EB 2 priority date to their new EB 3 petition.

Charles Oppenheim also predicts likely see retrogression in the F2A for citizens and national of Mexico in the coming months due to heavy demand. The F2B Mexico retrogression coming in February is due to extremely heavy demand in recent months, particularly from applicants with USCIS.

Note that persons in the US whose priority dates will become current in February cannot file an application for adjustment of status until February 1, except for Diversity Visa applicants, who can file a month in advance of their priority date becoming current. We expect that once an application is filed, in order to use all the available visa numbers, USCIS will aggressively move to schedule applicants for biometrics and adjudicate these cases quickly. Applicants should ensure that their attorneys push USCIS to move on their cases before any retrogression can occur.

We will keep you posted as we receive more information on future predictions of visa availability.

For the entire February Visa Bulletin, see the following link: [February Visa Bulletin](#)

Don't Miss Out! H-1B Cap Filing Season Begins Soon

The next H-1B work visa filing season begins April 1, 2014 for petitions subject to the visa limitation of 78,200 new cases. There will most certainly be a lottery for the small number of H visas available, as there was last year. In all likelihood, USCIS will permit filing during the first five business days of the month, that is, Tuesday, April 1 through Monday April 7.

It is vital for employers and their affected employees to

Two United Plaza
8550 United Plaza
Boulevard
Suite 702
Baton Rouge, LA 70809
Tel: 225/292-9091

JACKSON, MS
Tombigbee #405
Jackson, MS 39225
Tel: 601/352-0048

SEATTLE, WA
Hiawatha Place South,
Suite 807
Seattle, WA 98144
202/746 8427

get their paperwork to a qualified immigration attorney as soon as possible so that they don't miss this once-a-year chance for the H1B.

Those not subject to the H1B quota don't have to worry about filing during this period. This includes persons previously counted against the quota within the past six years, persons who work for institutions of higher education and affiliated non profits, persons who work for nonprofit research or government research organizations, and persons who work on the premises of a quota exempt employer for another entity. Certain physicians who came to the US for graduate medical training on J visas, are also not subject to the cap, once they receive a waiver of the two year home residence requirement.

New Immigration Policy Helps Families of Military Veterans: PIP

On November 15, 2013 U.S. Citizenship and Immigration Services (USCIS) released a memorandum detailing a program that benefits active military, reservists, and veterans. Parole-in-Place allows an individual who entered the U.S. without authorization to remain in the U.S. and apply for his or her green card without being required to travel outside the U.S., submit special waivers, or endure long periods of separation from family. If you, your spouse, child or parent currently serve in any branch of the military, or is a veteran, and you or your spouse, child, or parent entered the U.S. without authorization, you should contact an attorney to see if this new policy can help you or your family.

Special Immigration Relief for Filipino Typhoon Victims

U.S. Citizenship and Immigration Services (USCIS) issued a recent press release to remind those who were affected by Typhoon Haiyan that special relief measures may benefit them. These possible benefits include:

- A change or extension of nonimmigrant status for an individual currently in the United States, even when the request is filed after the authorized period of admission has expired;
- An extension of certain grants of parole made by USCIS;
- An extension of certain grants of advance parole,

and expedited processing of advance parole requests;

- Expedited adjudication and approval, where possible, of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited processing of immigrant petitions for immediate relatives of U.S. citizens;
- Expedited adjudication of employment authorization applications, where appropriate; and
- Assistance to Permanent Residents stranded overseas without immigration or travel documents.

In addition, USCIS states that it has proactively identified and is expediting pending I-130, Petition for Alien Relative, forms that have been filed by U.S. citizens for their Filipino immediate relatives. The standard security checks remain in place.

For more information, see the following link:

[USCIS Extends Relief Measures to Filipino Typhoon Victims](#)

MAVNI Program Expanded to Include Reserve Components

In a December 13, 2013 letter the Department of Defense (DoD) agreed to expand the Military Accessions Vital to the National Interest (MAVNI) Program to include Reserve Components on a case-by-case basis. The authorization specifically allows up to 100 additional Army Reserve recruits who possess specific critical language skills as outlined below.

We reported previously on the May 2012 announcement by the DoD on the return of the popular MAVNI Program, which was initially announced as available through at least May 16, 2014. The recent announcement indicates the program will continue until September 2014.

MAVNI was first introduced as a pilot in 2009. MAVNI allows non-citizens with degrees in certain health care fields, or those with particular language skills, who have been legally present in the United States for at least two years to join the US Army, Navy, Marine Corps or Air Force and apply immediately for U.S. citizenship without first obtaining lawful permanent residence.

To be eligible for the program, applicants must have been

legally present in the U.S. for at least two years and possess the skilled medical training or language skills the DoD has designated as in demand. Those who are out of status or undocumented, visitors on B visas or the Visa Waiver Program, as well as those with serious criminal records, are ineligible for the program. Those who previously maintained H status and fell out of status after filing an application for adjustment of status may be allowed to participate on a case-by-case basis. Applicants in nonimmigrant status must not have a single absence of more than 90 days in the two year period prior to applying for the program.

Through the military naturalization process applicants pay no fees for the application, but do have a contractual obligation to serve in the military for a minimum of four years active duty for language recruits, or a choice of three years active duty or six years Select Reserve for medical recruits. In either case, a recruit has an eight-year contractual commitment to the military, including non-active service, and citizenship can be revoked if an applicant does not provide at least five years of honorable service. This program could help many people with limited immigration options, including J-1 physicians who have been in the U.S. for two years and have a U.S. medical license, but are subject to the two-year home residence requirement. Such physicians could naturalize without completing the home residence requirement nor requesting a waiver. Nurses could also benefit when they might otherwise have difficulty obtaining appropriate work visas. Those in TPS, U or T status for at least two years could also enlist and naturalize when they might otherwise have very limited immigration options. A new skills and languages list has been designated for the current program.

Those in the following fields may apply: General Dentists, Oral Surgeons, Comprehensive Dentists, Prosthodontists, Oral Surgeons, Preventive Medicine, Urologists, Anesthesiologists, Ophthalmologists, Otolaryngologists, Pediatricians, Psychiatrists, Internists, Family Physicians, General Surgeons, Thoracic Surgeons, Orthopedic Surgeons, Emergency Medicine Physicians, Nuclear Science Officers, Entomologists, Licensed Clinical Social Workers, Physician Assistants, Licensed Clinical Psychologists, Psychiatric Nurse Practitioners, and Nurse Anesthetists.

Those with skills in the following languages may also apply:

Albanian, Amharic, Arabic, Azerbaijani, Bengali, Burmese, Cebuano, Cambodian-Khmer, Chinese, Czech, French (with citizenship from an African country), Georgian, Haitian Creole, Hausa, Hindi, Igbo, Indonesian, Korean, Kurdish, Lao, Malay, Malayalam, Moro, Nepalese, Pashto, Persian Dari, Persian Farsi, Portuguese, Punjabi, Russian, Sindhi, Serbo-Croatian, Singhalese, Somali, Swahili, Tagalog, Tajik, Tamil, Thai, Turkish, Turkmen, Urdu (with citizenship or birth certificate from Pakistan or Afghanistan), Uzbek, and Yoruba.

DHS Lists Countries Eligible for H2A and H2B Visa Programs

Under Department of Homeland Security (DHS) regulations, U.S. Citizenship and Immigration Services (USCIS) may approve petitions for H-2A (agricultural workers) and H-2B (skilled and unskilled temporary workers) nonimmigrant status only for nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated by notice published in the Federal Register. The list of eligible countries was recently released in the Federal Register and will be in effect until January 18, 2014. The notice does not affect the status of aliens who currently hold valid H-2A or H-2B nonimmigrant status. Persons holding such status, however, will be affected by this notice at the time they seek an extension of stay in H-2 classification, or a change of status from one H-2 status to another. Similarly, persons holding nonimmigrant status other than H-2 status are not affected by this notice unless they seek a change of status to H-2 status.

Current eligible countries include:

Argentina, Australia, Austria, Barbados, Belize, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kiribati, Latvia, Lithuania, Macedonia, Mexico, Moldova, Montenegro, Nauru, The Netherlands,, Nicaragua, New Zealand, Norway, Panama, Papua New Guinea, Peru, The Philippines, Poland
Romania, Samoa, Serbia, Slovakia, Slovenia, Solomon Islands South Africa, South Korea, Spain, Switzerland, Thailand, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom, Uruguay, and Vanuatu.
For more information, see the following link:

Seattle Office Very Close to Opening!

Our new Seattle office received its Certificate of Occupancy just a few days ago. We will begin serving clients from this location very shortly. The new office is located between First Hill and Central District, just a few minutes from downtown, and a short walk from a new light rail line. The address is 827 Hiawatha Place South, Suite 807, Seattle, WA98144. We do not yet have a landline telephone, but inquiries regarding the office can be answered temporarily by calling our Seattle Office Manager, Lindsay Summers, at (202) 746 8427. We will keep you posted on our Grand Opening and more details.

Upcoming Events

Ware|Gasparian attorneys frequently present at regional and national conferences. They also have speaking engagements at various universities and corporations across the nations.

If you are interested in attending one of the presentations or inviting an attorney to speak at your business, please contact [Yolanda Mata](#) to discuss possibilities.

[Here](#) are some of the upcoming engagements.

Ware | Gasparian Has a New Website

We hope you have enjoyed perusing our new [website](#)! Our new website provides more information for you, and we invite you to connect with us via [Facebook](#) or [Twitter](#) for updates.

Ware|Gasparian. Practicing Immigration & Nationality law since 1982

[Forward this email](#)



Try it FREE today.

This email was sent to sheri@david-ware.com by dware@david-ware.com | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Ware Gasparian | 3850 N. Causeway Blvd. | Ste. 555 | Metairie | LA | 70002