



Breaking News

March 12, 2014

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 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 H-1B. If you wish to utilize our office for your filing, please contact [Elaine Kimbrell](#), or [Julie Herzog](#), or 800 537 0179 immediately. Every day counts now!

Those not subject to the H-1B 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.

April 2014 Visa Bulletin Shows Slow Movement

The Department of State Visa Bulletin for the month of

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.

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April continues to show slow movement across most categories as has been seen in recent months. 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, but there is two weeks' advance in F2A for Mexico, to April 15, 2012. Mexico and Philippines F2B, unmarried adult sons and daughters of permanent residents, will not advance but F2B for the rest of the world will move almost two months to October 22, 2006. 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 three weeks to March 8, 2009. China EB 3 advances a month to October 1, 2012. EB 3 for India remains at September 15, 2003, and EB 3 (including "other workers") for the rest of the world advances one month to October 1, 2012, except for the Philippines which moves forward to June 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 April that means EB3 continues to be three and a half years ahead of EB2 for China.

This presents an opportunity for those Chinese with an approved labor certification who are already approved in EB 2, or having a pending or 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.

Note that persons in the US whose priority dates will become current in April cannot file an application for adjustment of status until April 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

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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. We will be meeting with Mr. Oppenheim again on April 18.

USCIS Extends TPS for Haitians

U.S. Citizenship and Immigration Services (USCIS) has announced the extension and of Temporary Protected Status (TPS) for nationals of Haiti. According to the notice published in the March 3, 2014 Federal Register, the Secretary of Homeland Security (Secretary) is extending the existing designation of Haiti for temporary protected status (TPS) for 18 months from July 23, 2014 through January 22, 2016.

Haitian nationals who have previously been approved for TPS must apply for the extension during the period from March 3, 2014 through May 2, 2014. USCIS has automatically extended the validity of employment authorization documents issued under the last extension/designation of TPS Haiti for an additional 6 months, through January 22, 2015. If you have a TPS Haiti EAD with an original expiration date of July 22, 2014, you are covered by this automatic extension and may continue to work.

Haitians who have not previously held TPS may be eligible for late registration in limited circumstances provided they meet all other eligibility requirements. Visit the [USCIS website](#) for more information.

DOS Announces J-1 On-Site Inspections

The Department of State recently emailed J-1 exchange visitor sponsors to announce that it plans to conduct on-site inspections of J-1 internships and training programs. The visits will be both planned and unannounced. J-1 inspectors may want to speak with responsible officers, supervisors, employees, trainees, and interns, and to inspect facilities, housing, and health insurance arrangements. Inspectors also may review signed Forms

DS-7002, Training/Internship Placement Plan, for interns or trainees.

Attorney Speaking Engagements

Our attorneys frequently present on a wide range of immigration issues at no charge to diverse professional and community groups, institutions of higher education, and many types of businesses.

If you are interested in attending a presentation or inviting one of our attorneys to speak to your group, institution or business, please contact [Yolanda Mata](#) to discuss available dates and topics of interest.

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

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