



# WORMSER, KIELY, GALEF & JACOBS LLP

## IMMIGRATION HIGHLIGHTS - October 2011



### Table of Contents:

[Click on topics below to be taken to item's content]

[Visa Lottery Reminder](#)

[Advances in Green Card Cutoff Dates](#)

[H-1B Cap Update](#)

[Approval Notices Will Again Be Sent to Attorneys](#)

[Advocacy Reminder](#)

### Visa Lottery Reminder

The registration period for the 2013 Diversity Visa Lottery will end at 12pm (EDT) on November 5, 2011. Applications must be submitted electronically at <http://www.dvlottery.state.gov> (paper entries will not be accepted). Additional information about the DV Lottery is available [here](#) and [here](#).

As a reminder, for this year's lottery, natives of the following countries are not eligible to apply (because these countries sent a total of more than 50,000 immigrants to the U.S. in the previous five years): Bangladesh, Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Peru, Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam. Individuals born in Hong Kong Special Administrative Region (SAR), Macau SAR and Taiwan are eligible. [Note that this year's list is the same as last year with the following exceptions: natives of Poland and South Sudan are eligible, while Bangladesh natives are ineligible.]

### Advances in Green Card Cutoff Dates

Beginning November 1, 2011, priority dates for EB-2s from India and China will advance to November 1, 2007, the most favorable date in over four years. This marks the second straight month of significant progress for these applicants. Given the expected increase in green card filings, the Department of State ("DOS") cautions that similar forward movement in the coming months is not guaranteed, and that further delays (retrogression) are possible. You will be notified by your WKGJ attorney as soon as the priority date becomes current for any pending petition. Additional details regarding priority dates may be viewed by accessing the DOS' [Visa Bulletin](#).

### H-1B Cap Update

As of October 21, 2011, U.S. Citizenship and Immigration Services ("USCIS") had received all 20,000 of the available petitions for individuals with advanced degrees, but only 46,200 H-1B cap-subject petitions (out of 65,000 available). Since the advanced degree quota has been reached, applicants with these degrees will now be counted against the regular cap. Based on the small number of filings since the application period began on April 1, it is expected that H-1B visa numbers will continue to be available during the upcoming months.

As a reminder, the annual quota of H-1B visa numbers available does not apply to individuals currently working in H-1B status in the U.S., who are seeking to extend their current employment or seeking to change employers. In addition, individuals seeking employment with institutions of higher education, nonprofit research organizations, government research organizations and certain related entities are also exempt from the annual H-1B "Cap."

### **Approval Notices Will Again Be Sent to Attorneys**

As reported last month, the USCIS began mailing approval notices for nonimmigrant (temporary) and immigrant (permanent) visa petitions directly to sponsoring employers (rather than to the attorney of record). Following pressure from stakeholders, the USCIS recently announced that it will return to its previous practice of sending approval notices directly to attorneys. However, since the transition back to the old system could take several weeks, employers should continue to monitor all mail from the USCIS carefully, and contact our office immediately upon receiving an approval notice or other correspondence.

### **Advocacy Reminder**

We urge you to visit the website of the American Immigration Lawyers Association to take action on a host of important immigration issues. To make your voice heard, simply follow these three steps: (1) go to [www.aila.org](http://www.aila.org); (2) on the left side of the page, select "Legislation"; and (3) scroll down and select "Contact Congress" (to send an email supporting or opposing a particular issue). Since the website is frequently updated to reflect newly proposed legislation and timely issues, we encourage you to visit often.

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