



# WORMSER, KIELY, GALEF & JACOBS LLP

## IMMIGRATION HIGHLIGHTS - September 2011



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### 2013 Visa Lottery Instructions

Each year, the U.S. government makes available 55,000 permanent resident ("green card") visas to individuals from countries with low rates of immigration to the U.S. (see below) and who have a high school diploma or its equivalent, or two years of work experience in an occupation requiring at least two years of training or experience. Eligible applicants are entered into a computer-generated lottery drawing, and the randomly selected winners will be notified next spring.

The registration period for the 2013 Diversity Visa Lottery will run from 12pm (EDT) on October 4, 2011 through 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](#).

Please note that 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.]

### Approval Notices Now Being Sent Directly to Sponsoring Companies

The USCIS is now mailing approval notices for nonimmigrant (temporary) and immigrant (permanent) visa petitions directly to sponsoring employers (rather than to the attorney of record). Although the immigration bar has urged the USCIS to return to its former practice, it remains to be seen if or when that will happen. Until then, employers must monitor all mail from the USCIS carefully, and contact our office immediately upon receiving an approval notice or other correspondence.

### H-1B Cap Update

As of September 9, 2011, the USCIS had received only 32,200 H-1B cap-subject petitions (out of 65,000 available), and 16,700 petitions for individuals with advanced degrees (out of 20,000 available). 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."

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