

# Newsletter

## Immigration Monthly - March 2014

3/15/2014

Welcome to the March issue of our monthly newsletter. This is a complimentary service to clients and friends of the Firm to keep you informed of immigration law developments that may affect you or your organization. Please contact Munsch Hardt's Immigration Team with your comments and questions.

### **DEPARTMENT OF HOMELAND SECURITY (DHS) UPDATE:**

- H-1B Reminder. Now is the time to complete H-1B petitions for filing under the annual "cap." The earliest date of these petitions acceptance by the USCIS is April 1, 2014, but, just as in prior years, the filing season is expected to be brief, with the H-1B petitions acceptance for processing limited to the first 5 days of April. If more petitions are received than there are available H-1B visas, visa numbers would be distributed via lottery. Importantly, while submission of the H-1B proceedings via expedited (i.e., Premium) processing should help you learn the adjudication outcome sooner, it does not increase your chances for the H-1B petition lottery selection. Discuss your preferred petition submission route with your immigration counsel now and remember that the mandatory pre-H-1B filing Labor Condition Application (LCA) certification by the Department of Labor takes 7 business days and you should plan LCA submission timelines accordingly in order to accommodate H-1B proceedings filing by April 1st.
- DHS has recently announced Chile is now one of the countries approved for the Visa Waiver Program (VWP). VWP is a program that allows travelers from certain countries to visit the U.S. without a B-1/B-2 visa as long as they are coming to the U.S. for 90 days or less for either business or tourism. Beginning May 1, 2014, Chileans, who otherwise meet all other admissibility requirements, will be able to utilize the VWP.

### **DEPARTMENT OF LABOR (DOL) INFORMATION:**

A Seattle area technology company has entered into a consent agreement with the State Department following the review of the company's compliance with the Arms Export Control Act and the International Traffic in Arms Regulations. The review, conducted in cooperation with ICE, demonstrated the company's insufficient oversight over the arms control compliance program as the company was found to have allowed foreign nationals unauthorized access to controlled technical data. The consent agreement has obligated the business to pay a civil penalty of \$20 million. Importantly, as the question of the technical data access control comes up in the H-1B petition proceedings, H-1B petitioners should carefully review and accurately answer the relevant questions on the Form I-129H petition when sponsoring foreign workers for U.S. employment.

### **DEPARTMENT OF STATE (DOS) NEWS:**

The DOS Visa Bulletin for April 2014 experienced steady movement. Most notably, Employment-Based 3rd (EB-3) "Skilled Workers, Professionals, and Other Workers" category for the Philippines advanced 6 weeks to June 15, 2007. EB-3 for all countries except India advanced 1 month to October 1, 2012. EB-2 visa numbers for P.R. China moved forward 3 weeks to March 8, 2009. Several of the family-based preference categories experienced slight advancement ranging from 1 week to 10 weeks. As expected, the Mexico F2A category reserved for spouses and children of U.S. permanent residents, remained unchanged with a priority date of April 15, 2012. Since there is considerable change in this month's bulletin, it is important to discuss your or your employees' potential eligibility for an adjustment of status filing with your immigration counsel, to take advantage of the newly available immigrant visas.

© MUNSCH HARDT KOPF & HARR PC 2014, ALL RIGHTS RESERVED.

---

This newsletter is not intended to establish an attorney-client relationship. All information contained in this newsletter is general and does not constitute legal advice.

## **Related Practices**

Immigration