

Newsletter

Immigration Monthly - June 2013

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LEGISLATIVE UPDATE:

- The immigration reform bill crossed its first significant hurdle on June 11, when the Senate voted to allow debate on the bill. In addition to increasing border security and creating a path to citizenship for illegal immigrants, the bill proposes an increase of many employment-related immigration quotas, while implementing more robust procedures for verifying workers' legal status. The proposed changes include:
- Cancellation of Green Card limits for immigrants with extraordinary abilities, multinational executives, and graduates of U.S. universities with job offers in science, technology, engineering, or math
- H-1B visa cap increase to 110,000 per year, with an additional 25,000 visa numbers set aside for foreign nationals with advanced degrees in science, technology, engineering, or math from U.S. universities. At the same time, new measures to prevent companies from using H-1B visas to train workers in the U.S. and then send them back overseas would go into effect.
- A new W visa that would allow up to 200,000 low-skilled workers per year to enter the country for jobs in industries known for workforce shortages, such as construction, hospitality, and long-term care.
- E-Verify, a program for electronic verification of workers' legal status, expansion to become mandatory for all U.S. employers within four (4) years. Noncitizens would be required to show a photo ID matching a photo in the E-Verify system.
- House Speaker John Boehner has stated that he believes the legislation could be signed into law by the end of the year, while President Obama has encouraged Congress to present a bill to him by the end of the summer.

DEPARTMENT OF STATE (DOS) UPDATE

- For the third straight month, the cut-off date for the Employment-Based 3rd preference (EB-3) immigrant visa category for professional and other workers will advance significantly for foreign nationals from most countries (except for nationals of India and the Philippines). During the month of June, the EB-3 cut-off date advances nine months for most countries, to September 1, 2008. On the July Visa Bulletin, the EB-3 cut-off date will advance four more months to a January 1, 2009 cut-off date. This is done to ensure that all EB-3 immigrant visa numbers are exhausted before the end of each federal government fiscal year (i.e., September 30th). However, whenever this happens, a dramatic increase in demand for EB-3 immigrant visa numbers usually follows, which results in slow or no progression of the cut-off date or even unavailability of immigrant visa numbers for a period of time. In fact, the State Department indicated in the July Visa Bulletin that there would be "no additional movement" of the EB-3 cut-off date in the coming months since the cut-off date has advanced 18 months during the past three months.
- There is potentially good news for EB-2 advanced degree professionals from India, which has a severely retrogressed September 1, 2004 cut-off date during the months of June and July. The July Visa Bulletin forecasts that the availability of unused EB-2 visa numbers will allow movement of the cut-off date for nationals of India in August and/or September. The State Department is expecting that such movement will generate heavy demand. Discuss the effects of this development with your immigration counsel.

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