

Immigration Highlights (December 2009)

December 28, 2009

H-1B Site Inspection Update -- 25,000 Visits Nationwide

U.S. Citizenship and Immigration Services (USCIS) has announced plans to conduct 25,000 site visits this fiscal year in connection with H-1B petitions filed by U.S. employers. The purpose for the visits is to confirm that the information provided by the employer to USCIS in the H-1B petition is accurate and that the employee is working at the location specified and being paid the salary stated in the petition. The number of site visits is a five-fold increase from the previous fiscal year.

These kinds of site visits are typically unannounced and are conducted by non-governmental persons with whom USCIS has contracted to perform these informational gathering visits. Part of the visit requires a brief interview with the H-1B nonimmigrant to confirm information provided to USCIS in the H-1B petition filed by the employer.

H-1B Quota for FY2010 Reached

The H-1B nonimmigrant visa category, which includes a total of 85,000 "slots" per government fiscal year, has reached its limit for FY2010 (October 1, 2009 to September 30, 2010). According to U.S. Citizenship and Immigration Services (USCIS),

As of December 21, 2009, USCIS had received sufficient petitions to reach the statutory cap for FY2010. USCIS has also received more than 20,000 H-1B petitions on behalf of persons exempt from the cap under the advanced degree exemption. USCIS will reject cap-subject petitions for new H-1B specialty occupation workers seeking an employment start date in FY2010 that are received after December 21, 2009. USCIS will apply a computer-generated random selection process to all petitions that are subject to the cap and were received on December 21, 2009.

Employers will next be eligible to file new (cap-subject) H-1B petitions on April 1, 2010, the first day that FY2011 H-1B cases may be submitted to USCIS. H-1B petitions filed for FY2011, if approved, would be effective October 1, 2011.

DHS Announces Proposal to Make Global Entry Program Permanent

The Department of Homeland Security (DHS) has proposed making the Global Entry Program a permanent program. The program, which began in mid-2008, streamlines the screening process at airports for travelers who register and provide biometric identification in advance.

Upon arrival in the U.S., travelers go to a kiosk at the airport, insert their passport or lawful permanent resident card into a document reader, provide digital fingerprints for comparison with fingerprints on file, answer customs declaration questions on the kiosk's touch-screen, and then present a transaction receipt to DHS officers before leaving the inspection area. DHS reports that this program can cut down airport wait times by 70 percent. To date, there are approximately 27,000 Global Entry program participants.

The program is currently available at 20 U.S. airports -- Atlanta, Boston, Chicago (O'Hare), Dallas, Detroit, Fort Lauderdale, Honolulu, Houston (Intercontinental), Las Vegas, Los Angeles, Newark, New York (JFK), Miami, Orlando, Philadelphia, San Francisco, San Juan, Sanford, Seattle and Washington (Dulles).

January Visa Bulletin -- Most EB-2 and EB-3 Categories Advance

The U.S. State Department (DOS)'s [January Visa Bulletin](#) reflects some movement in the permanent resident or "green card" Employment Second Preference and Third Preference categories. Although the cutoff date for EB-2 India remains unchanged at January 22, 2005, the cutoff date for EB-2 China advances a month to January 22, 2005. The Employment Third Preference category advances in all categories, with the cutoff date for all-chargeability and China advancing to August 2, 2001, and the cutoff date for India advancing to June 22, 2001. The Employment First Preference categories remain current for all across-the-board.

Changes in Filing Procedures for N-400 Applications for Naturalization

USCIS has revised the filing address for naturalization applications filed with the USCIS lockboxes in Phoenix, Arizona and Dallas, Texas. Please [click here](#) for updated filing address information.