



This Immigration Update[©] from FosterQuan, LLP contains important information regarding the following:

1. FISCAL YEAR 2011 H-1B QUOTA LIKELY TO BE EXHAUSTED SOON; FILE NEW H-1B PETITIONS AS SOON AS POSSIBLE TO MAXIMIZE CHANCE OF SECURING AN H-1B VISA NUMBER
2. U.S. CUSTOMS & BORDER PROTECTION (CBP) EXPANDS "GLOBAL ENTRY" TRUSTED TRAVEL PROGRAM TO INCLUDE MEXICAN NATIONALS

1. FISCAL YEAR 2011 H-1B QUOTA LIKELY TO BE EXHAUSTED SOON; FILE H-1B PETITIONS AS SOON AS POSSIBLE TO MAXIMIZE CHANCE OF SECURING AN H-1B VISA NUMBER

Employers should act now to initiate any new H-1B petition filings, as the annual H-1B quota will likely soon be reached.

On January 4, 2011, U.S. Citizenship & Immigration Services (CIS) announced that, as of December 31, 2010, the CIS had received approximately 57,300 H-1B petitions subject to the regular H-1B quota. The Advanced Degree exemption of 20,000 visas for those individuals with a Master's Degree or higher has been reached, and all new quota-subject H-1B petitions for beneficiaries holding advanced degrees will be counted under the regular H-1B quota.

Due to unpublished set-asides, it is not possible to know the precise number of H-1B visas remaining under the Fiscal Year 2011 H-1B quota, but employers can be certain that the quota will likely soon be reached.

Employers who wish to file new H-1B petitions under the Fiscal Year 2011 H-1B quota for a start date before October 1, 2011 (the beginning of Fiscal Year 2012) should act now and contact their FosterQuan immigration attorney immediately to initiate all new H-1B petitions.

Because preliminary steps, such as DOL certification of the required Labor Condition Application, take several business days to complete, a lead-time of approximately 2 weeks is generally required to prepare and file an H-1B petition. Once the H-1B quota is reached, no new H-1B petitions can be filed until April 1, 2011, seeking an October 1, 2011 H-1B employment start date.

H-1B amendment and extension petitions and most H-1B change of employer petitions are not subject to the annual quota. Further, petitions filed by institutions of higher education, nonprofit entities affiliated with institutions of higher education, nonprofit research

organizations, and governmental research organizations are not subject to the annual H-1B quota. Additional exemptions may also apply in very limited circumstances.

As always, FosterQuan will continue to monitor H-1B usage and will provide further H-1B quota updates via future Immigration Updates© and on our firm's website at www.fosterquan.com.

2. U.S. CUSTOMS & BORDER PROTECTION (CBP) EXPANDS "GLOBAL ENTRY" TRUSTED TRAVELER PROGRAM TO INCLUDE MEXICAN NATIONALS

On December 29, 2010, "Global Entry", a trusted traveler program operated by U.S. Customs & Border Protection (CBP) began accepting applications from qualified Mexican citizens and nationals. Previously available to only U.S. citizens, U.S. nationals, U.S. lawful permanent residents, and certain qualifying citizens of the Netherlands, the Global Entry program for the expedited clearance of international travelers through customs is now open to Mexican citizens and nationals who register online, provide biometric fingerprints and photographs at a Global Entry office, and pass the program's security screening process.

This latest Global Entry expansion came just two days after U.S. CBP announced that the program had reached 100,000 participants logging more than 600,000 entries using Global Entry kiosks. While the program is currently still a "pilot program" limited to certain airports, CBP anticipates making the program permanent and expanding it to include all U.S. airports accommodating international arrivals. A [list of currently participating U.S. airports](#) may be found on the CBP Global Entry website.

Program participants must be age 14 or over, and must meet strict eligibility criteria. Applicants may register and pay the \$100 application fee electronically via the CBP [Global Entry website](#).

U.S. CBP has also announced the expanded use of Global Entry traveler kiosks by participants of the NEXUS and SENTRI trusted traveler programs, which are also operated by U.S. CBP.

The NEXUS program is open to qualifying Canadian citizens and nationals who have passed security screening, and the program currently allows for expedited clearance through certain land border and marine crossings as well as preflight clearance stations at airports in Canada. Expanding the use of Global Entry kiosks to NEXUS members will allow NEXUS members arriving via flights from third countries to take advantage of the expedited Global Entry clearance process.

The SENTRI program is open to qualifying Mexican citizens and nationals who have passed security screening, and the program currently allows for expedited clearance through certain land border crossings. With the expansion of the Global Entry program to permit SENTRI members to use Global Entry kiosks, SENTRI members arriving in the United States via air travel may now take advantage of the expedited clearance process.

Eligibility for participation in Global Entry is limited to those U.S., Mexican, and Dutch travelers who meet trusted traveler criteria and who are otherwise admissible to the United States under U.S. immigration law. Applicants are ineligible for the program if they provide false or incomplete information, have been convicted of any criminal offense, or have violated any customs or immigration laws of the United States. Additional [eligibility criteria and exclusions](#) may be found on the Global Entry website.

As always, FosterQuan will continue to monitor changes in CBP trusted traveler programs and will provide further information via future Immigration Updates© and on our website at www.fosterquan.com.