



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

1. U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) ANNOUNCES CONTINUED ACCEPTANCE OF H-1B PETITIONS UNDER THE FY-2012 H-1B CAP
2. U.S. DEPARTMENT STATE PUBLISHES MAY VISA BULLETIN, ANNOUNCING MODEST PROGRESSION IN VISA AVAILABILITY UNDER MOST EMPLOYMENT-BASED IMMIGRANT CATEGORIES

1. U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) ANNOUNCES CONTINUED ACCEPTANCE OF H-1B PETITIONS UNDER THE FY-2012 H-1B CAP

On Friday, April 8, 2011, U.S. Citizenship & Immigration Services (CIS) published an update on the number of H-1B visa petitions received in the first week petitions were accepted under the FY-2012 H-1B Regular Quota and the Advanced Degree Quota.

As of Friday, April 8th, the CIS had received approximately 5,900 H-1B petitions that were counted under the H-1B regular cap (65,000 quota, with certain set-asides leaving an effective quota of 58,200), and approximately 4,500 H-1B petitions that were counted under the Advanced Degree exempt quota of 20,000.

The next spike in filings against the quota is likely to occur following the Spring graduation of Bachelor's and Master's Degree students in mid-May, as graduates are then able to document their eligibility by producing final transcripts and diplomas. Employers are encouraged to identify likely H-1B candidates and initiate H-1B petitions early, as these F-1 students with Optional Practical Training (OPT) EAD cards would likely face a gap in employment eligibility next summer unless an H-1B petition is filed on their behalf before the H-1B cap is reached.

Please contact your FosterQuan immigration attorney for more information or to initiate new H-1B petitions on behalf of new candidates. As always, FosterQuan will continue to monitor the CIS receipt of filings under the H-1B quotas and will make additional updates available via future Immigration Updates[®] and on our firm's [website](#).

2. U.S. DEPARTMENT OF STATE PUBLISHES MAY VISA BULLETIN, ANNOUNCING MODEST PROGRESSION IN VISA AVAILABILITY UNDER MOST EMPLOYMENT-BASED IMMIGRANT CATEGORIES

On Monday, April 11, 2011, the U.S. Department of State published the Monthly Visa Bulletin for May. The May Visa Bulletin shows modest progression in immigrant visa availability for most employment-based immigrant categories.

Most notably, the Employment-Based, Second Preference (EB-2) category for persons born in India progressed approximately 7 weeks to a new "cut-off date" of July 1, 2006. Applicants with "priority dates" (usually the date an Application for Permanent Employment Certification was filed) earlier than July 2, 2006, may now file I-485 Applications to Adjust Status to Lawful Permanent Resident or have pending Applications approved. The EB-2 category for persons born in China advanced one week to a new cut-off date of August 1, 2006.

The Employment-Based, Third Preference (EB-3) category advanced approximately 4 months for Applicants born in Mexico (new cut-off date of September 8, 2004), approximately 45 days for Applicants born in China (new cut-off date of April 15, 2004), one week for Applicants born in India (new cut-off date of April 15, 2002), and one month for persons born in all other countries (new cut-off date of August 22, 2005).

The Other Worker category did not move at all for persons born in China, but advanced one week for persons born in India (new cut-off date of April 15, 2002), and approximately 45 days for persons born in all other countries (new cut-off date of September 8, 2003).

To proceed with the preparation and filing of an Application to Adjust Status for newly-eligible Applicants, or to begin the permanent residency process and establish a priority date for foreign national employees, contact your FosterQuan immigration attorney. As always, FosterQuan will continue to monitor the progression in immigrant visa availability and will provide updates via future Immigration Updates© and on our firm's [website](#).