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1. U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) CONTINUES TO ACCEPT H-1B PETITIONS UNDER THE REGULAR AND “MASTERS” CAPS

The U.S. Citizenship & Immigration Services (CIS) announced that, as of May 14, 2010, the CIS had received approximately 19,000 H-1B petitions that were counted under the regular 65,000 H-1B cap, and approximately 8,100 H-1B petitions that were counted under the additional 20,000 “Masters” cap for Fiscal Year 2011.

H-1B usage continues to lag behind previous years, and it is expected that H-1B visas will remain available for several more months. It is possible that a spike in H-1B filings could occur in May and June, following the Spring graduation dates, when additional F-1 students will meet the Bachelors degree requirement for H-1B petitions and will formally enter the job market.

Avoiding the “Cap Gap” in Employment Authorization

Although H-1B numbers remain readily available, it is important to pursue H-1B petitions as soon as possible for any F-1 students who might otherwise experience a “gap” in employment authorization upon the expiration of their Optional Practical Training Employment Authorization Document (EAD) cards.

Students who have EAD cards that will expire during the summer will need to have an H-1B petition filed on their behalf prior to the expiration of their EAD cards in order to take advantage of the automatic “extension” of their employment authorization through October 1, 2010, the beginning of Fiscal Year 2011, and the first day of FY-2011 H-1B petition validity.

To initiate a new H-1B petition, or for assistance in evaluating other visa options for existing employees and new hire candidates, please contact your FosterQuan immigration attorney. As always, FosterQuan will continue to monitor H-1B visa availability and will make future information available via future Immigration Updates[©] as appropriate, and on our firm’s website at www.fosterquan.com.

2. U.S. DEPARTMENT OF STATE PUBLISHES THE JUNE 2010 VISA BULLETIN

Each month the U.S. Department of State (DOS) publishes the [Monthly Visa Bulletin](#), reporting current immigrant visa availability under the annual quota system for U.S. immigration. In the June 2010 Visa Bulletin, the U.S. DOS continues to report temporary unavailability of immigrant visas under the Employment-Based, Third Preference (EB-3) and “Other Worker” categories for persons born in Mexico.

The June 2010 Visa Bulletin also shows continued backlogs in the EB-3 category for all countries of birth, and in the EB-2 category for persons born in India or China. There was no forward movement in the EB-2 category for persons born in India and only slight movement forward for the Indian EB-3 category. The visa numbers for the EB-2 and EB-3 categories for people born in China both moved forward by two months.

For more information on beginning the permanent residency process and establishing a priority date under the appropriate immigrant category for one or more foreign national employees, please contact your FosterQuan immigration attorney.

3. U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) TO ISSUE REDESIGNED GREEN CARD

On May 11, 2010, the U.S. Citizenship & Immigration Services (CIS) announced that it has redesigned the Permanent Resident Card, “Green Card”, to incorporate several new security features. On the same date CIS began issuing all “Green Cards” in the new format. Some of the features of the redesign will include: secure optical media to store biometric information, holographic images, laser engraved fingerprints, and high resolution micro-images. In keeping with the Permanent Resident Card’s nickname, the card will now be colored green for easy recognition.

As always, FosterQuan will continue to monitor changes in government filing fees and procedures and will make additional information available via future Immigration Updates© and on our firm’s website at www.fosterquan.com.