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 2. **H-1B VISAS STILL AVAILABLE - U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) CONTINUES TO ACCEPT H-1B PETITIONS UNDER THE REGULAR H-1B CAP AND THE "MASTERS" CAP**
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Since October 2008, Texas Department of Public Safety (DPS) regulations permit issuance of Texas driver's licenses only to those individuals who are able to document their lawful status in the United States. Further, the driver's license issued to nonimmigrants will be issued for a temporary period not to exceed the duration of their documented temporary immigration status.

Under recent application of this rule, applicants had been asked to demonstrate a petition to extend or change nonimmigrant status had actually been approved prior to issuing a new or renewed driver's license.

The Texas DPS is now recognizing the timely filing of an extension or change of status nonimmigrant visa petition, and accepts receipt of the Form I-797 Receipt Notice as evidence of lawful nonimmigrant status for purposes of issuing a valid Texas driver's license or ID card for foreign nationals.

The Texas DPS has recently revised their [Temporary Visitor Issuance Guide](#) to include a category for "**Applicants for extension or change of status**". It is clear from this new guidance that the Texas DPS *should* grant one year validity on a foreign national's driver's license or ID card if the foreign national can present the prior status Approval Notice and a Form I-797 Receipt Notice showing that an extension or change of status petition has been filed.

At present we can confirm that not all Texas DPS offices are accepting the I-797 Receipt Notices yet, as some officers may be unaware of the new guidance. Applicants have reported inconsistencies, and thus all foreign nationals who have filed a petition for extension or change of status and who are applying for a new driver's license or ID card should take a copy of the

new Temporary Visitor Issuance Guide to the DPS along with their I-797 Receipt Notice as proof of filing of their extension of status petition.

As always FosterQuan will continue to monitor state and local regulations and procedures related to immigration status will provide additional information in future Immigration Updates©, and on our firm's website at www.fosterquan.com.

2. H-1B VISAS STILL AVAILABLE - U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) CONTINUES TO ACCEPT H-1B PETITIONS UNDER THE REGULAR H-1B CAP AND THE "MASTERS" CAP

U.S. Citizenship & Immigration Services (CIS) announced that, as of October 1, 2010, the CIS had received approximately 40,600 H-1B petitions that were counted under the regular 65,000 H-1B cap, and approximately 14,900 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 a few more months. It is possible that a spike in H-1B filings could occur in December following Fall Semester graduation dates, when additional F-1 students will meet the Bachelors degree requirement for H-1B petitions and will formally enter the job market.

3. NOVEMBER 2010 VISA BULLETIN SHOWS SLIGHT MOVEMENT IN IMMIGRANT VISA AVAILABILITY

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 November 2010 Visa Bulletin, there was no forward movement in the EB-2 category for persons born in India, and only slight movement forward of one week for the Indian EB-3 category. The visa numbers for the EB-2 and EB-3 categories for persons born in China moved forward by one week and two weeks respectively. Additionally, the EB-3 category for all countries of birth remains backlogged with only slight forward movement in immigrant visa availability under the November Visa Bulletin.

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.