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Headlines:

FY 2013 H-1B Petitions Coming In Fast So Far – The H-1B cap could be reached more quickly than last year.

India, China EB-2 Category To Retrogress Dramatically – As predicted for May, the India and China EB-2 priority dates will retrogress dramatically, from May 1, 2010, to August 15, 2007.

Office of Foreign Labor Certification Issues New FAQ on H-1B, H-1B1, and E-3 Programs – The new FAQ answers a variety of questions.

CBP Proposed Rule Allows More U.S. Returning Residents To File Single Customs Declaration for Members of Family – CBP proposes to include foster children, stepchildren, half-siblings, legal wards, other dependents, domestic partners, and others in its definition of "members of a family residing in one household."

CBP Adds 'Trusted Traveler' Enrollment Centers in Minnesota, North Dakota – CBP has added International Falls and Warroad, Minnesota, and Pembina, North Dakota, to its "trusted traveler" enrollment centers for Global Entry, NEXUS, and FAST.

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FY 2013 H-1B Petitions Coming In Fast So Far

According to U.S. Citizenship and Immigration Services, over 22,000 cap-subject H-1B petitions have been filed as of early April – twice the rate as last year's at the same time. If this keeps up, the H-1B cap could be reached quickly.

The Alliance of Business Immigration Lawyers (ABIL) recommends that employers file early and allow time for the labor condition application process. Contact your ABIL attorney now for guidance and help with the process.

For the latest statistics, see

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=4b7cdd1d5fd37210VgnVCM100000082ca60aRCRD&vgnnextchannel=73566811264a3210VgnVCM100000b92ca60aRCRD>. A related announcement is available at

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=cec8f9d386796310VgnVCM100000082ca60aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>.

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India, China EB-2 Category Retrogresses Dramatically

As predicted for May, the India and China EB-2 priority dates will retrogress dramatically, from May 1, 2010, to August 15, 2007. Priority dates for those countries are not expected to advance again until October 1, 2012, at the earliest, when the new fiscal year begins.

If an I-485 Application for Adjustment of Status was filed while the person's priority date was current, it will remain pending until the priority date is current again. Because the I-485 will remain pending, the applicant can continue to apply for interim benefits, such as work authorization and advance parole, while the priority date is retrogressed.

The May bulletin from the Department of State's Visa Office is available at http://www.travel.state.gov/visa/bulletin/bulletin_5692.html. Contact your ABIL attorney for assistance.

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Office of Foreign Labor Certification Issues New FAQ on H-1B, H-1B1, and E-3 Programs

The Department of Labor's Office of Foreign Labor Certification issued a new frequently asked questions (FAQ) document on March 27, 2012. The FAQ answers the following questions:

- Is there a fee to file a Labor Condition Application (LCA) with the Department of Labor for the H-1B, H-1B1, or E-3 programs?
- How do I change my iCERT System account access information?
- How do I enter an untitled custom survey on the LCA?
- Where can I obtain a list of acceptable prevailing wage source surveys for Section G of the ETA Form 9035/9035E?

The FAQ is available at http://www.foreignlaborcert.doleta.gov/pdf/H_1B_H_1B1_E_3_FAQ032712.pdf.

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CBP Proposed Rule Allows More U.S. Returning Residents To File Single Customs Declaration for Members of Family

U.S. Customs and Border Protection (CBP) has issued a proposed rule to expand the definition of "members of a family residing in one household" to allow more U.S. returning residents to file a family customs declaration for articles acquired abroad. CBP said it anticipates that this proposed change will reduce the amount of paperwork required during inspection and therefore facilitate passenger processing. CBP believes that this proposed change also will more accurately reflect relationships between members of the public who are traveling together as a family.

CBP proposes to include foster children, stepchildren, half-siblings, legal wards, other dependents, and individuals with an *in loco parentis* or guardianship relationship within the

definition of "members of a family residing in one household." CBP also proposes that the definition include two adult individuals in a committed relationship wherein the partners share financial assets and obligations, and are not married to or a partner of anyone else, including but not limited to long-time companions and couples in civil unions or domestic partnerships. CBP proposes to add these relationships to the definition and refer to them as "domestic relationships." The proposed term "domestic relationship" would not extend to roommates or other cohabitants not otherwise meeting the above definition. Additionally, the proposed changes would not alter the requirements that, to file a family declaration, members of a family residing in one household must live together in one household at their last permanent residence and intend to live together in one household after their arrival in the United States.

Written comments must be submitted by May 29, 2012. The proposed rule is available at <http://www.gpo.gov/fdsys/pkg/FR-2012-03-27/pdf/2012-7122.pdf>. A related CBP announcement is available at http://www.cbp.gov/xp/cgov/newsroom/news_releases/national/03262012.xml.

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CBP Adds 'Trusted Traveler' Enrollment Centers in Minnesota, North Dakota

U.S. Customs and Border Protection has added International Falls and Warroad, Minnesota, and Pembina, North Dakota, to its "trusted traveler" enrollment centers for Global Entry, NEXUS, and FAST. These programs are compliant with Western Hemisphere Travel Initiative (WHTI) requirements that U.S. and Canadian citizens entering the United States from Canada, the Caribbean, Bermuda, or Mexico by air, land, or sea have a WHTI-compliant document.

The announcement is available at http://www.cbp.gov/xp/cgov/newsroom/news_releases/local/04052012_5.xml.

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New Publications and Items of Interest

[Fact sheet on permanent labor certification program statistics](#). The Department of Labor's Office of Foreign Labor Certification has issued the fourth in a series of permanent labor certification program statistics fact sheets. This fact sheet presents statistics on applications submitted during fiscal year 2012. It notes that thus far in FY 2012, the Department has received 28,750 cases and processed 20,980. It has certified 15,720 cases, denied 3,980, and withdrawn 1,280. The fact sheet is available at http://www.foreignlaborcert.doleta.gov/pdf/perm_factsheet.pdf.

[EB-5 stakeholder engagement meeting](#). U.S. Citizenship and Immigration Services will hold a stakeholder engagement meeting on the EB-5 immigrant investor program on Tuesday, May 1, 2012, from 1 to 3 p.m. eastern time, in person or by teleconference. The next engagement meetings will be held on July 26, 2012 (teleconference only; focus: regional centers) and October 23, 2012 (in-person and teleconference). For more information or to register, see <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=e0138e0732344310VgnVCM100000082ca60aRCRD&vgnnextchannel=e0b081c52aa38210VgnVCM100000082ca60aRCRD>.

[EB-5 forum](#). IIUSA: Association to Invest in the USA will hold an "EB-5 International Investment & Economic Development Forum" on April 29-May 1, 2012, in Laguna Hills, California. For more information or to register, see <http://iiusa2ndannualeb5.eventbrite.com/?gclid=CMYH-t2Bo68CFWkQNAodskUJYQ>.

[Several ABIL members co-authored and edited the new publication, *Global Business Immigration Practice Guide*](#), to be released on May 31, 2012, by LexisNexis. The *Practice Guide* is a one-stop resource for dealing with questions related to business immigration issues in immigration hotspots around the world.

This comprehensive guide is designed to be used by:

- Human resources professionals and in-house attorneys who need to instruct, understand, and liaise with immigration lawyers licensed in other countries;
- Business immigration attorneys who regularly work with multinational corporations and their employees and HR professionals; and
- Attorneys interested in expanding their practice to include global business immigration services.

This publication provides:

- An overview of the immigration law requirements and procedures for over 20 countries;
- Practical information and tips for obtaining visas, work permits, resident status, naturalization, and other nonimmigrant and immigrant pathways to conducting business, investing, and working in those countries;
- A general overview of the appropriate options for a particular employee; and
- Information on how an employee can obtain and maintain authorization to work in a target country.

Each chapter follows a similar format, making it easy to compare practices and procedures from country to country. Useful links to additional resources and forms are included. Collected in this Practice Guide, the expertise of ABIL's attorney members across the globe will serve as an ideal starting point in your research into global business immigration issues.

The book will be discounted 20% for pre-orders through May 31. You can order at: <http://www.lexisnexis.com/store/catalog/booktemplate/productdetail.jsp?pageName=relatedProducts&core=&parent=&catId=31&prodId=70836>. The discount code is ABIL20 (enter this code at checkout). International customers who do not want to order through the bookstore can order through Nicole Hahn at (518) 487-3004 or Nicole.hahn@lexisnexis.com.

Green Card Stories. The immigration debate is boiling over. Americans are losing the ability to understand and talk to one another about immigration. We must find a way to connect on a human level. *Green Card Stories* does just that. The book depicts 50 recent immigrants with permanent residence or citizenship in dramatic narratives, accompanied by artistic photos. If the book's profilees share a common trait, it's a mixture of talent and steely determination. Each of them overcame great challenges to come and stay in America. *Green Card Stories* reminds Americans of who we are: a nation of immigrants, from all walks of life and all corners of the earth, who have fueled America's success. It tells the true story of our nation: E pluribus unum-- out of many, one.

For more information or to order, visit <http://www.greencardstories.com/>.

ABIL on Twitter. The Alliance of Business Immigration Lawyers is now available on Twitter: @ABILImmigration. Recent ABIL member blogs are available at <http://www.abilblog.com/>.

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Member News

Laura Danielson (bio: <http://www.abil.com/lawyers/lawyers-danielson.cfm?c=US>) has published a new blog entry. "DOMA's Tragic Impact on Immigrant Couples: Isn't It Time To Overturn It?" is available at <http://www.lampbesidethegoldendoor.blogspot.com/2012/04/domas-tragic-impact-on-immigrant.html>.

Klasko, Rulon, Stock & Seltzer will present "Fundamentals of Immigration Law" (for those new to the field or just needing a refresher) on Tuesday, April 24, 2012, from 8 a.m. to 2 p.m. at the Union League in Philadelphia, Pennsylvania. Speakers will include ABIL member **H. Ronald Klasko** (bio: <http://www.abil.com/lawyers/lawyers-klasko.cfm?c=US>) and others. For more information or to register, see <http://www.klaskolaw.com/events-calendar.php?action=view&id=285>.

Robert Loughran (bio: <http://www.abil.com/lawyers/lawyers-loughran.cfm?c=US>) presented immigration options to potential foreign investors in Sao Paulo, Brazil; Cordoba, Argentina; and Buenos Aires, Argentina. FosterQuan is a participant in the TexasOne program, which seeks to promote foreign economic investment in Texas. For more on TexasOne, see <http://www.texasone.us/>.

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm?c=US>) has published several new blog entries. "BALCA Clarifies DOL's Position on Proof of Publication of the SWA Job Order and Ads Placed by Private Employment Firms Under PERM" is available at <http://blog.cyrusmehta.com/2012/04/balca-clarifies-dols-position-on-proof.html>. He also co-authored "Justice Ginsburg's Observation on Piepowder Courts in *Vartelas v. Holder*," available at <http://blog.cyrusmehta.com/2012/04/justice-ginsburgs-observation-on.html>.

Mr. Mehta was quoted in an article in *Business Standard* published on April 4, 2012, on a class action suit claiming that Tata Consultancy Services forced Indian workers to remit their tax refunds to the company. Mr. Mehta noted, "The judge has certified it as a class action, which means that all employees who fall under the fact pattern can join the litigation. I don't think this litigation has anything to do with anti-India sentiment rather than lawyers who try to bring novel legal claims on behalf of employees, and Indian firms seem to have become an easy target. This is because tax and visa rules involving foreign workers on temporary visas, who are also employees of the IT firm in India, are amorphous and subject to varying interpretation." The article is available at <http://bit.ly/HeByVg>. See also <http://knowledge.wharton.upenn.edu/india/article.cfm?articleid=4680#.T4YxQFia2dA.facebook> for an article on the same case, also quoting Mr. Mehta.

Angelo Paparelli (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm?c=US>) has published several new blog entries. "Immigration Protectionism Costs America Billions" is available at <http://www.nationofimmigrants.com/immigration-protectionism/immigration-protectionism-costs-america-billions/>. "Pre-Election Bipartisanship – Except on Immigration, Where Sen. Grassley Stubbornly Obstructs" is available at <http://www.nationofimmigrants.com/employment-based-immigration/pre-election-bipartisanship---except-on-immigration-where-sen-grassley-stubbornly-obstructs/>. "Musing on Immigration Liberty: If I Had a Son, He'd Look Like a DREAMer" is available at <http://www.nationofimmigrants.com/dream-act/musing-on-immigration-liberty-if-i-had-a-son-hed-look-like-a-dreamer/>.

The **Wolfsdorf Immigration Law Group** will present several free webinars. Upcoming topics include International Student Work Visa Options, to be held on Thursday, April 26, 2012; Investors/Traders (E Visas) and Company Transferee (L Visas) and Green Cards (E-13), to be held Thursday, May 10, 2012; Religious Worker Visas – Ordained and Non-Ordained, to be held Thursday, May 17, 2012; Artist and Entertainer Work Visas (O and P) and Green Cards (E-11), to be held June 7, 2012; Work Visas and Green Cards for Athletes (O/P and E-11), to be held Thursday, June 21, 2012; and Visa Options for International Scholars, Faculty and Staff, to be

held Thursday, July 12, 2012. For more information or to register, see <http://www.wolfsdorf.com/freewebinar/>.

Stephen Yale-Loehr (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>) will speak on EB-5 I-829 issues at an EB-5 international investment and economic development forum, sponsored by IIUSA: Association to Invest in the USA, on April 30, 2012, in Laguna Hills, California. For more information, see <http://iiusa2ndannualeb5.eventbrite.com/?gclid=CMYH-t2Bo68CFWkQNAodskUJYQ>.

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Government Agency Links

Follow these links to access current processing times of the USCIS Service Centers and the Department of Labor, or the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:

USCIS Service Center processing times online:
<https://egov.uscis.gov/cris/processTimesDisplay.do>

Department of Labor processing times and information on backlogs:
<http://www.foreignlaborcert.doleta.gov/times.cfm>

Department of State Visa Bulletin: http://travel.state.gov/visa/bulletin/bulletin_1360.html

Visa application wait times for any post: http://travel.state.gov/visa/temp/wait/wait_4638.html

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About ABIL

The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training, and other programs that benefit clients through the collaboration of more than 400 member lawyers and their 1,000 staff. Corporate counsel, human resource professionals, in-house immigration managers, and other corporate decision-makers turn to ABIL lawyers for outstanding legal skills and services. ABIL's work also includes advocating for enlightened immigration reform, providing speakers and media sources, presenting conferences, publishing books and articles on cutting-edge immigration topics, and sharing best practices, all with the ultimate goal of offering value-added services to business immigration clients.

The Alliance of Business Immigration Lawyers' Web site is at <http://www.abil.com/>. ABIL is also available on Twitter: @ABILImmigration.

Disclaimer/Reminder

This e-mail does not constitute direct legal advice and is for informational purposes only. The information provided should never replace informed counsel when specific immigration-related guidance is needed.

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