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May 2012 Barnett Law Group Breaking News

H-1B Visas Going Fast

April 30, 2012 H-1B Cap Count

[As of April 27, 2012, approximately 29,200 H-1B cap-subject petitions were receipted.](#) Additionally, USCIS has received 12,300 H-1B petitions for aliens with advanced degrees.

Stateside Processing of Unlawful Presence Waivers Proposed

The USCIS has issued a proposed regulation that would allow certain foreign nationals to process waivers for unlawful presence in the US before attending immigrant visa interviews at their home country U.S. consulates. This relief would only apply only to those foreign nationals who (1) are immediate relatives of U.S. citizens;(2) have only the unlawful presence bar;(3) have not been removed/deported or are not already in removal/deportation proceeding;s and (4) have not already filed a waiver with a USCIS office abroad.

There will be a public comment period on the proposed regulations which will run from April 2 to June 1, 2012. Thereafter, the regulations should become law sometime this year.

Since the proposed law will require an approved I-130, Relative Petition, prior to filing for the waiver and these petitions are currently taking about 5 months to approve, many will wish to have these petitions filed now.

India and China Employment-Based Immigrant Visas Priority Date Retrogresses

DOS Visa Bulletin for May 2012. Employment-based second preference cut-off date for India has moved to 08/15/07. There will be no forward movement until FY2013 beginning October 1, 2012.

State Department Processing Visas at Record Pace – More Jobs for Americans

2 new consulates to open in Brazil and one in China. Check current visa application fees which changed 4/13/12.

If you are interested in learning more about these new developments, please contact our firm at (713) 980-9939 or psb@barnett-lawgroup.com.