



May 2014 Barnett Law Group Breaking News

Updates on Immigrant Visas: The Department of State's Visa Office (VO) has announced movement in both family and employment visa categories. Demand for F2A (spouses and children of LPR's) is starting to catch up with the category retrogressing perhaps back to 2012 in June or July. Demand for F2B (adult children of LPR's) is down currently, so movement is expected to continue to advance, however, this category will also likely retrogress in the next fiscal year. Employment based 1st preference (EB-1) usage is heavier this year than last. Employment based 2nd preference India (EB-2) will move to 1/1/2008 or perhaps later in August, in order to utilize the rest of the EB-2 visa numbers that were unused by the other visa categories. Employment based 3rd preference (EB-3) is likely stagnant so do not delay filing I-485 employment-based adjustment of status cases if you have a current visa priority date. Many Chinese waiting in the EB-2 category have been filing to downgrade from EB-2 to EB-3 which is quicker, and the results will be reflected in the coming months.

Arrival/Departure History Now Available on CBP I-94 Website: Customs and Border Protection launched a new webpage this month that allows nonimmigrant U.S. visitors access to their I-94 arrival/departure records. The record goes back 5 years and is available at the web address: <https://i94.cbp.dhs.gov/I94/request.html>. Input your name, date of birth, and passport information. Then you can click on either "Get Most Recent I-94" which will return the I-94 number, most recent date of entry, class of admission and admit-until date. Or you may click on "Get Travel History" which will return your five-year travel history based on your I-94 records. This quick and easy history allows you to bypass filing a Freedom of Information Act request for travel history. The good news is that you can now access your travel history easily. The bad news is that so can the CBP and other immigration agencies. If you discover a mistake you should contact our office.

H-4 Work Authorization: Proposed employment authorization will be limited to H-4 dependent spouses of principal H-1B nonimmigrants who are in the process of seeking lawful permanent residency status through employment. To qualify, the principal applicant beneficiary must have been granted an H-1B extension under AC21 or an Immigrant petition must have been approved for the H-1B principal applicant. In practice, this means the H-1B worker will have already been in the U.S. for six years in H-1B status before an H-4 spouse will qualify for work authorization.

2015 H-1B Cap: On April 7th, the USCIS announced that it had received more than the allowed number of visa petitions to reach both the bachelor's and master's caps for 2015 with 172,000 H-1B petitions filed. A computer-generated lottery was completed to select enough petitions for the cap. If you have not yet received either a receipt notice or a rejection notice, do not despair. We believe that many filers will not know whether they made the cap until sometime this summer. In the meantime, contact our law firm to discuss alternative options.

DACA (Deferred Action for Childhood Arrivals) Delays Processing of Family-based Permanent Residency Visas: USCIS has cited a manpower shortage caused by DACA adjudications as the cause of the processing backlog for a relative petitions. Until recently, a U.S. citizen or Permanent Resident could obtain approval for a relative petition for a spouse, child or parent in 5 months or less, but over the past year visa waits have stretched to 15 months, with more than 500,000 applications becoming stuck in the pipeline. USCIS seeks to shorten the wait time by routing petitions to the California Service Center with the goal to process in 6 months. In the meantime, we have noticed that DACA approvals are taking in some cases in excess of one year. And, some DACA applicants have been waiting now for almost 2 years.

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