



March 2011 Immigration Update

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Human Resource (HR) Tip/Announcement of the Month.

USCIS Announces an Advance Registration Process for H-1B Filings. According to U.S. Citizenship and Immigration Services (USCIS) and as is detailed on the USCIS website (www.uscis.gov), USCIS has published a proposed rule that could save U.S. businesses more than \$23 million over the next 10 years by establishing an advance registration process for U.S. employers seeking to file H-1B petitions for foreign workers in specialty occupations. The proposed electronic system would minimize administrative burdens and expenses related to the H-1B petition process--including reducing the need for employers to submit petitions for which visas would not be available under the statutory visa cap.

March 2, 2011 marked the opening of a 60-day comment period that will allow businesses and the general public to provide input on the proposed system in order to ensure that it best meets the needs of employers who rely on H-1B visas to bring in foreign workers for specialty occupations. Under the proposed rule, employers seeking to petition for H-1B workers subject to the statutory cap would register electronically with USCIS. Before the petition filing period begins, USCIS would select the number of registrations predicted to exhaust all available visas. Employers would then file petitions only for the selected registrations. The registration system would save employers the effort and expense of filing H-1B petitions, as well as Labor Condition Applications, for workers who would be unable to obtain visas under the statutory cap.

The proposed rule, which has been posted to the Federal Register for public viewing, contains complete details about the registration system and estimated cost savings. USCIS encourages formal comments on the proposed rule through www.regulations.gov. The comment period runs for 60 days, beginning March 3, 2011 and ending on May 2, 2011.

Additional Immigration Updates and Alerts.

H-1B Filing Period Opens Up Again on April 1, 2011 for FY2012. With the H-1B cap having been reached for this fiscal year as of January 26, 2011, employers should look ahead to the next opportunity

to file petitions for new H-1B cases, which will occur on April 1, 2011. Such petitions under the statutory cap for FY2012 will be for employment commencing on or after October 1, 2011.

Single Card to be Made Available Soon for EAD and Advance Parole Purposes. According to the USCIS, a single card will soon be made available for green card applicants which can be used to demonstrate their employment authorization (currently known as an EAD card) and which will authorize them to reenter the United States after temporary travel abroad (currently known as an Advance Parole). The card will likely resemble the current Employment Authorization Document (EAD), but will be endorsed with the following language: "Serves as I-512 Advance Parole". The concept behind the new card is that employers will be able to accept this card as one of the List A documents when completing the Employment Eligibility Verification, Form I-9. More information will follow about the new card in a future Alert.

For more information about this topic, please contact the author or any member of the Williams Mullen Immigration Team.

Please note:

This newsletter contains general, condensed summaries of actual legal matters, statutes and opinions for information purposes. It is not meant to be and should not be construed as legal advice. Readers with particular needs on specific issues should retain the services of competent counsel. For more information, please visit our website at www.williamsmullen.com or contact William J. Benos, 804.420.6402 or bbenos@williamsmullen.com. For mailing list inquiries or to be removed from this mailing list, please contact Julie Layne at jlayne@williamsmullen.com or 804.420.6311.

Related People

- William J. Benos – 804.420.6402 – bbenos@williamsmullen.com

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