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### **Record Breaking Cap-Subject H-1B Visa Demand Expected**

Employers should be well on their way preparing their H-1B cap-subject visa petitions for FY2016. In recent years, the



demand for new H-1B visas has exceeded its supply (FY2015 172,500 and FY2014 125,000 H-1B visas were filed) and USCIS conducted a lottery to select 85,000 petitions.

On April 1st, 2015, USCIS will begin accepting FY2016 cap-subject H-1B petitions for the start work date of Oct. 1, 2015. USCIS will accept 65,000 H-1B petitions in the general category and 20,000 in the advanced degree category. If USCIS receives more than 85,000 H-1B petitions, which is expected, it will again hold a lottery to select the petitions it processes. For additional information, click [here](#).

To read my previous article on options if an H-1B petition is not selected, click [here](#).

### **Work Authorization Benefits for Limited Number of H-4 Holders**



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Beginning May 26, 2015, certain H-4 non-immigrant visa holders can apply for employment authorization. An H-4 spouse will be eligible for employment authorization if the primary H-1B worker (1) is the principal beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker or (2) has been granted a one year extension of H-1B status beyond the six-year limit based on a labor certification application (PERM) that has been pending with the DOL for over one year. Children of H-1B holders will not be eligible to apply for work authorization under this provision. For more information, click [here](#).

### **District Court Reverse USCIS Denial of H-1B for Market Research Analysis**

It is not uncommon for USCIS to deny H-1B petitions. In Raj and Co., USCIS did just that and a Washington federal judge overturned the USCIS' decision. The judge found that a market research analyst is a specialty occupation that qualifies for H-1B status.

The judge found that USCIS erred in denying the visa petition because the record showed that the position required at a minimum a specialized degree in "market research" or an equivalent technical degree accompanied by relevant coursework in "statistics, research methods and marketing". The court added that the evidence offered supported the need for a technical bachelor's degree accompanied by specific experience in the field.

As we approach the FY2016 H-1B filing season, it is important that H-1B petitions contain evidence of the specialized nature of the position and the specialized skills of the beneficiary.

To read additional information on the Court's decision, please click [here](#).

### **Plenary Power Under Review**

Many American citizens who are married to foreigners find that their futures together depend on the judgment of a U.S. consular officer abroad. The decisions of these officers are generally not reviewable by our courts. However, in February, the U.S. Supreme Court heard arguments in a case testing whether an American citizen has the right to know why her foreign spouse was denied an immigrant visa. The Court's decision is expected in June. To read my article on this issue, please click [here](#).

## New Americans in Florida - Interesting Statistics

A newly released report shows the growing political and economic clout of immigrants, children of immigrants and Latinos in Florida. Immigrants account for nearly one in five Floridians and roughly 50% are U.S. citizens eligible to vote. Immigrants not only contribute to our economy as workers, but also account for billions of dollars in tax revenue and consumer purchasing power. Latinos and Asians have over \$150 billion in consumer purchasing power and the businesses they own have sales and receipts of nearly \$90 billion and employ more than 400,000.

For additional information regarding immigration statistics in Florida, please visit [here](#).



## April 2015 Visa Bulletin is Here!

As predicted, the employment-based, second preference (EB2) category for people born in India and China continues to move forward. EB2 India moves ahead by eight months, to a September 1, 2007. EB2 China advances by seven months, to April 1, 2011. The news is less favorable for the employment-based, third preference (EB3) category. EB3 India inches ahead by a single week, to January 8, 2004. EB3 China fares even worse, retrogressing by more than nine months, to January 1, 2011. To read the bulletin, click [here](#).

## Court Blocks DAPA and Expands DACA Implementation

A Texas federal judge issued a preliminary injunction that prevents the implementation of certain executive actions programs. The blocked programs include an expansion of Deferred Action for Childhood Arrivals (DACA), which was scheduled to begin in February, and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), which was scheduled to begin in May. The temporary injunction does not block the existing DACA program, only the expansion announced in November 2014. To read the Order of Temporary Injunction, please click [here](#).



## New and Noteworthy

In 2009, I started an amazing journey to finish the Six World Marathon Majors (WMM), a series of the six largest and renowned world marathons: Boston, New York, London, Berlin, Chicago and Tokyo. On February 22, 2015, I proudly joined a small group of runners from around the world that have completed this journey in its entirety. Thank you for your support and good wishes during this unforgettable journey. At left, I am approaching the finish line.

This month, I was honored to join distinguished speakers at the World Affairs Council Young Professionals' panel discussion on Immigration: Transcending Borders. *I'm thrilled that my work as an immigration attorney allows me to sustain my heart's desire to help others and my intellectual needs. Thank you for this privilege!*



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