



Immigration Update April 2012

Vol. 4 Issue 4

In the April 2012 Issue

ILQ Article

Notice of Action Form Gets New Look

H-1B's: Come and Get'em!

China and India EB-2 Retrogression

Immigration Success Story

OCAHO Gets New Chief

Lawsuit Over Denial of Immigration
Benefits to Same Sex Couples

[Join Our Mailing List!](#)

Learn more about us...



[Giselle Carson's Biography](#)

[Immigration & Naturalization](#)

[About Marks Gray](#)

ILQ Features Article by Giselle Carson



The Winter 2012 issue of the International Law Quarterly, a publication of the Florida Bar International Law Section, features an article by Giselle Carson. The article titled, "Creating Jobs and Strengthening the U.S. Economy through the E-Visa" addresses the employment and economic growth opportunities created by foreign E Visa investors and entrepreneurs. Click [here](#) to read the entire article.

A New Look to USICS' *Notice of Action Form*

The new Form I-797C, Notice of Action is now being printed on plain bond paper. This will represent significant savings in printing and, also as important, the form clearly states that "THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT" on the top of the form. All Notices of Action issued prior to today are valid. To read more, click [here](#).



H-1B's: Come and Get'em Before They're Gone!



Just days after USCIS began accepting H-1B visa applications for the 2013 fiscal year, USCIS received approximately 17,400 H-1B petitions counting towards the 65,000 cap and 8,200 towards the 20,000 cap exemption for individuals with U.S. master's degrees. This is nearly twice the number of petitions that were

received at this time last year. Though this application rate is always unpredictable, FY2013 is especially active and if the trend continues, the cap will be reached much sooner than it has been in recent years. We recommend

that employers file H-1B cap-subject petitions for FY 2013 as soon as possible. To read more, click [here](#).

China-Mainland Born and India EB-2 Retrogression

The demand for China and India Employment Based Second (EB-2) preference numbers has increased and the priority date has been retrogressed to August 15, 2007. The DOS indicated that every effort will be made to return that cut-off date to the previously announced date of May 1, 2010.

EB-2 Visa applicants processing in April at consulates abroad will still receive visas, as those numbers were allocated before the cut-off date was established. Once the immigrant visa numbers are exhausted for the fiscal year, new immigrant visa numbers are not available until the beginning with FY2013 which is October 1, 2012. For additional information, please see the May 2012 Visa Bulletin [here](#).



Immigration Success Story: I-9



Immigration and Customs Enforcement (ICE) and their crackdown on proper I-9 and worker documentation for

employers has been a common theme in many of my [blog](#) posts and enewsletter reports as of late. ICE expects to conduct 3,000 worksite audits in FY2012 and 2013, including large employers to create a culture of compliance. To read more click [here](#).

Judges Who Preside Over Immigration Related Employer Sanctions Cases Have a New Chief

Robin M. Stutman, Esq. was appointed the new Chief Administrative Hearing Officer of OCAHO. Ms. Stutman had served as the agency's general counsel since 2009. Previously, she worked for the DOJ as a special litigation counsel and trial attorney. OCAHO is responsible for the supervision and management of judges who preside over hearings involving the IRCA, including employer sanctions, antidiscrimination and document fraud. It is expected that Ms. Stutman's legal experience in employment and immigration law will be of great benefit to OCAHO. To read more, click [here](#)



Legally Married Same Sex Couples File Suit Over Denial of Spousal Immigration Benefits



The suit alleges violations of the Defense of Marriage Act and Equal Protection Rights. A 1996 immigration law prevents the government from recognizing same sex marriages and granting the benefits derived from the marriage, including a pathway to legal permanent residence via spousal relationship. This is an evolving area of immigration law. To read the preliminary statement filed by the plaintiffs, click [here](#).

Giselle Carson
Attorney at Law
Marks Gray, P.A.
1200 Riverplace Blvd., Suite 800
Jacksonville, FL 32207
(904) 398-0900
gcarson@marksgray.com

If you need assistance with any immigration-related issues, please contact Giselle Carson or Thyra Reveron at (904) 398-0900.

Marks Gray, P.A. is dedicated to customer service. We monitor proposed and current developments in the law. The contents of this newsletter are not intended as legal advice related to individual situations. If you have any questions about your particular situation, please contact a lawyer.

[Forward email](#)



Try it FREE today.

This email was sent to mbruner@marksgray.com by gcarson@marksgray.com | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Marks Gray, P.A. | 1200 Riverplace Boulevard | Suite 800 | Jacksonville | FL | 32207