



## Immigration Update March 2012

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### A Cause for Optimism...



Although there is no sign of comprehensive immigration reform over the last few months, we have seen DHS roll out a series of initiatives aimed at improving the options for foreign nationals including a prosecutorial discretion policy which could help undocumented persons with good moral character and significant ties to the U.S. remain in the U.S.; and an 'Entrepreneurs in Residence' program which is aimed at maximizing the immigration pathways for foreign entrepreneurs and highly-skilled immigrants.

### April 2 is the First Day of H-1B Filing for 2013

Each year, the U.S. government allows an annual cap of 65,000 new H-1B visas with an additional 20,000 allotted to U.S. masters degree professionals. The petitions can be filed six months in advance of the fiscal year and start of authorized work date of October 1, 2012. Monday, April 2, 2012 USCIS will begin accepting FY2013 H-1B cap-subject visas. Because there is a cap planning for new H-1B visa filings should start early. Certain employers are exempt from this cap. For more information, [click here](#)



### E-Verify Self-Check Is Now Available Nationwide!

If you're job hunting, you've probably touched up your resume, made a LinkedIn account, and cleaned up your Facebook profile in preparation for potential employers' review. Now, you can check your work eligibility online before you apply for jobs. With more and more employers using E-Verify to confirm the work eligibility of potential employees, it is important that your data is up to date and showing that you are eligible to work. Self-Check is available online [here](#) for use in all 50 states, D.C., Guam, Puerto Rico, U.S. Virgin Islands, and the Commonwealth of Northern Mariana Islands. Employer cannot use Self-Check to preverify potential employees.



## Arizona Style Bill Passes Mississippi House Committee



The Mississippi House Judiciary Committee voted 15-6 to pass House Bill 488. The bill seems to closely resemble Arizona's controversial S.B. 1070, which is currently being challenged before the U.S. Supreme Court. Mississippi's bill contains the controversial provision allowing law enforcement officials to check for immigration status when there is "reasonable suspicion" that person is in the country illegally. The bill bars police from considering race, color or national origin when making that decision, although racial profiling is feared. Click [here](#) for more information.

## Prosecutorial Discretion for Some

On February 6, 2012, the Ninth Circuit Court of Appeals requested in five decisions that the government advise the court on whether "the government intended to exercise prosecutorial



discretion". This request was made in light of ICE Director John Morton's June 17, 2011 memo regarding the use of prosecutorial discretion to prioritize the agency's efforts and best utilize its resources. When ICE favorably exercises its prosecutorial discretion, it means that it will not assert the full scope of its enforcement authority.

This can be good news for individuals with pending immigration cases, as it could reduce the immigration court's backlogs, and the removal of aliens who do not pose a danger to our society and/or have a readily available way to legalize their status. To read the memo, click [here](#).

## Early Planning Needed for London's Filing



The summer months are usually very busy at any U.S. Embassy or Consulate, and this summer the London Embassy's operations will certainly be busy because of the 2012 Summer Olympics. The U.S. Embassy in London issued a notification advising that visa services will be limited during July and August for all nonimmigrant visa categories. The embassy encourages applicants "to apply for visas during the spring and early summer as appointment availability cannot be guaranteed." They have opened their calendars through the month of June

to accommodate the demand. To access the embassy website for more information, click [here](#).

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### April Visa Bulletin Available



The Visa Bulletin for April is now available. The most relevant event is the lack of movement for EB-2 India and China which have a priority date of May 1, 2010. The EB-3 category continues to be significantly backlogged. Click

[here](#) to see the Visa Bulletin.

A handwritten signature in blue ink that reads "Giselle Carson". The signature is fluid and cursive, with a horizontal line underneath.

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