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## New and Noteworthy



On a personal note,  
when you receive this  
email I will be in  
Tokyo, Japan! I've

## U.S. Supreme Court to Weigh in on Immigration

In *Kerry v. Din*, the U.S. Supreme Court will revisit the well-settled doctrine of consular non-reviewability. The Court's decision will determine whether immigrant families and U.S. employers affected by the Department of State's (DOS) decisions to deny a visa have the right to know the factual basis for the denial. Under the

packed my running shoes and will be participating in the Tokyo Marathon on Sunday, February 22. My husband, Jeff, and I will run 26.2 miles through the streets of Tokyo! Then, I will have officially completed the Six World Marathon Majors (Boston, NY, Chicago, London, Berlin and Tokyo).

Cheerfully and energized,



doctrine of non-reviewability, the DOS has claimed "complete discretion" over its decision to deny visas, which can lead to permanent family separation and the inability of employers to acquire foreign talent. The Court will hear oral arguments in February and is expected to issue a decision in June. We hope that the Court's decision will require consulates to provide factual legitimate and bona fide reasons for visa denials. For additional information and updates on *Kerry v. Din*, click [here](#).

### March 2015 Visa Bulletin is Available

The EB2 India cutoff date advances by a year and four months to January 1, 2007. EB2 China moves ahead by approximately six months to September 1, 2010. In the EB3 category, India inches forward to January 1, 2004 and China advances by over a month to October 22, 2011. Click [here](#) to see the entire bulletin.



### PERM Filings Increase

During the first quarter of FY2015 (October 1, 2014 to December 21, 2014) employers filed 23,133 PERM applications (a 31% increase as compared to the first quarter of FY2014). Consistent with prior years, over 50% of the applications relate to positions within information technology and mathematics. Applications filed by employers from California account for 27%, the majority of the applications, and 57% of the applications relate to Indian national beneficiaries. The increase in filing is a sign of the U.S. economic recovery and results in additional processing delays. Currently, a clean PERM application averages 5 to 6 months for adjudication after filing. The PERM is the first step in most employment-based "green card" applications. During this process employers are required to undertake specific recruitment steps and can only file a PERM application if they are unable to find qualified and willing U.S workers for the specified position.

### 'Known Employer' Program to Facilitate Employment-Based Adjudications

Later this year, the DHS is expected to launch a pilot program to better streamline adjudication of certain types of employment-based immigration benefit requests at the northern border. The program will be jointly implemented by USCIS, CBP, ICE and the Canadian immigration authorities . It is expected to result in more

efficient adjudications of business applications along the northern border ports of entry. This program is a part of the bi-national commitment under NAFTA to "explore the feasibility of incorporating a trusted employer concept in the processing of business travelers between Canada and the United States." For additional information and updates, [click here](#).

### HHS Updates Poverty Guidelines

The Department of Health and Human Services (HHS) updated the poverty guidelines effective January 22, 2015. The poverty guidelines are used in determining minimum income requirements for Form I-864, Affidavit of Support. U.S. citizens or lawful permanent residents who wish to sponsor a family member for permanent residence must demonstrate income at a level equal to or above 125% of the federal poverty guideline level. The exact level depends on factors such as the number of sponsored family members and number of other dependents. For detailed information on the updated guidelines, please click [here](#).

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