The Visa News

Date : 27-11-2020

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***November 15, 2020:**

DACA - DACA restrictions removed now by Federal Judge

You may request DACA if you:

Were under the age of 31 as of June 15, 2012;

Came to the United States before reaching your 16th birthday;

Have continuously resided in the United States since June 15, 2007, up to the present time;

Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
Had no lawful status on June 15, 2012;

Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and Have not been convicted of a felony, significant misdemeanor,or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Age Guidelines
Anyone requesting DACA must have been under the age of 31 as of June 15, 2012. You must also be at least 15 years or older to request DACA, unless you are currently in removal proceedings or have a final removal or voluntary departure order, as summarized in the table below:

***OCT 1 2020:**

EB3 based priority dates getting faster for green card processing. Many new eb3 filings expected if the speed for eb3 continues.

***June 24 2020:**

New H1b entry suspended (with exceptions) till Dec 2020 and Suspension of entry as immigrants(previously done for 2 months) now extended till Dec 2020.

Those seeking entry into US through H1B, L, H2B visas not having a valid visa are impacted by this new law.

***February 2020: H1b Registration process beginning March 1, 2020**

Under this new process, employers seeking H-1B workers subject to the cap, or their authorized representatives, will complete a registration process that requires only basic information about their company and each requested worker. USCIS will open an initial registration period from March 1 through March 20, 2020.

***February 2020: USCIS Updates Process for Accepting Petitions for Relatives Abroad**

WASHINGTON, U.S. Citizenship & Immigration Services today announced that, as part of the adjustment of its international footprint to increase efficiencies, Form I-130, Petition for Alien Relative, will only be processed domestically by USCIS or internationally by the Department of State in certain circumstances beginning Feb 1, 2020.

DOS will assume responsibility for certain services previously provided at USCIS international offices, services that DOS already provide in countries where USCIS does not have a presence. Eligible active-duty service members assigned overseas will file their Form I-130 locally with DOS, as will certain non-military petitioners who meet specific criteria for consular processing.

“USCIS continues to modernize and become more efficient as an agency,” said USCIS Deputy Director Mark Koumans. “Since the Department of State has a much larger international presence, we have delegated authority to our State partners to accept and adjudicate petitions for immediate relatives abroad in certain circumstances. USCIS continues to expand online filing options, which are available to those filing domestically or those filing from abroad, saving applicants and petitioners time and money.”

Generally, DOS will process Form I-130 locally if the petition falls under blanket authorization criteria, as defined by USCIS:

- Temporary blanket authorizations for instances of prolonged or severe civil strife or a natural disaster; or
- Blanket authorization for U.S. service members assigned to military bases abroad.

In addition to these blanket authorizations, DOS maintains the discretion to accept Form I-130 if a U.S. citizen petitioner meets the “exceptional circumstance” criteria as outlined in the Policy Manual update.

All other petitioners residing overseas must file Form I-130 online or by mail through the USCIS Dallas Lockbox facility for domestic processing.

***April 2017: USCIS Completes the H-1B Cap Random Selection Process for FY 2018**

USCIS announced on April 7, 2017, that it has received enough H-1B petitions to reach the statutory cap of 65,000 visas for fiscal year (FY) 2018. USCIS has also received a sufficient number of H-1B petitions to meet the U.S. advanced degree exemption, also known as the master's cap.

***March 31, 2017:** As per USCIS New H1 Visa related Policy for its internal employees, to follow while assessing a H1 Visa petition, , "..The fact that a person may be employed as a computer programmer and may use information technology skills and knowledge to help an enterprise achieve its goals in the course of his or her job is not sufficient to establish the position as a specialty occupation. Thus, a petitioner may not rely solely on the Handbook to meet its burden when seeking to sponsor a beneficiary for a computer programmer position. Instead, a petitioner must provide other evidence to establish that the particular position is one in a specialty occupation as defined by 8 CFR 214.2(h)(4)(ii)…"

Our analysis of this would not mean a disqualification of computer professionals from H1 Visa eligibility, but would mean a more stronger match to Speciality Occupation, as defined by law.

***January 2016:** Immmigration authorities has increased Fees for H1b filings, only for employers, who has 50 or more employeees and 50 percent of employees are on h1b or L1 basis.

***Feb 2015:** DHS Extends Eligibility for Employment Authorization to Certain H-4 Dependent Spouses of H-1B Nonimmigrants Seeking Employment-Based Lawful Permanent Residence

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) Director León Rodríguez announced today that, effective May 26, 2015, the Department of Homeland Security (DHS) is extending eligibility for employment authorization to certain H-4 dependent spouses of H-1B nonimmigrants who are seeking employment-based lawful permanent resident (LPR) status. DHS amended the regulations to allow these H-4 dependent spouses to accept employment in the United States.

Finalizing the H-4 employment eligibility was an important element of the immigration executive actions President Obama announced in November 2014. Extending eligibility for employment authorization to certain H-4 dependent spouses of H-1B nonimmigrants is one of several initiatives underway to modernize, improve and clarify visa programs to grow the U.S. economy and create jobs.

"Allowing the spouses of these visa holders to legally work in the United States makes perfect sense," Rodríguez said. "It helps U.S. businesses keep their highly skilled workers by increasing the chances these workers will choose to stay in this country during the transition from temporary workers to permanent residents. It also provides more economic stability and better quality of life for the affected families."

Eligible individuals include certain H-4 dependent spouses of H-1B nonimmigrants who:

- Are the principal beneficiaries of an approved Form I-140, Immigrant Petition for Alien

Worker; or

- Have been granted H-1B status under sections 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2000 as amended by the 21st Century Department of Justice Appropriations Authorization Act. The Act permits H-1B nonimmigrants seeking lawful permanent residence to work and remain in the United States beyond the six-year limit on their H-1B status.

DHS expects this change will reduce the economic burdens and personal stresses H-1B nonimmigrants and their families may experience during the transition from nonimmigrant to lawful permanent resident status, and facilitate their integration into American society. As such, the change should reduce certain disincentives that currently lead H-1B nonimmigrants to abandon efforts to remain in the United States while seeking lawful permanent residence, which will minimize disruptions to U.S. businesses employing them. The change should also support the U.S. economy because the contributions H-1B nonimmigrants make to entrepreneurship and science help promote economic growth and job creation. The rule also will bring U.S. immigration policies more in line with those laws of other countries that compete to attract similar highly skilled workers.

Under the rule, eligible H-4 dependent spouses must file Form I-765, Application for Employment Authorization, with supporting evidence and the required $380 fee in order to obtain employment authorization and receive a Form I-766, Employment Authorization Document (EAD). USCIS will begin accepting applications on May 26, 2015. Once USCIS approves the Form I-765 and the H-4 dependent spouse receives an EAD, he or she may begin working in the United States.

USCIS estimates the number of individuals eligible to apply for employment authorization under this rule could be as high as 179,600 in the first year and 55,000 annually in subsequent years. USCIS reminds those potentially eligible that this rule is not considered effective until May 26, 2015. Individuals should not submit an application to USCIS before the effective date, and should avoid anyone who offers to assist in submitting an application to USCIS before the effective date.

DHS Extends Eligibility for Employment Authorization to Certain H-4 Dependent Spouses of H-1B Nonimmigrants Seeking Employment-Based Lawful Permanent Residence

Release Date: February 24, 2015

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