



Business Immigration Reporter

Vol. 1 - Issue 5

May 2015

H-1b Cap Premium Processing Began April 27/15

On April 27, 2015 USCIS began premium processing for cap subject H-1b applications including petitions seeking the masters or higher degree exemption. If you or your company filed premium processing H-1b petitions, and you were selected for processing, you should have received a receipt email notice and an email approval or fax request for additional evidence by now.



Christian G.A. Zeller, Esq.

Data Entry for H-1b Cap Subject Petitions Completed

USCIS announced it completed the data entry for all cap subject H-1b applications for fiscal year 2016 on May 4, 2015. All petitions which have not been selected for processing will be returned, together with the filing fees, to the petitioner companies. The USCIS has not provided any guidance on timing.



New Version of Form I-129

Beginning Friday, May 1, 2015, USCIS will only accept the latest version of Form I-129 Petition for a Nonimmigrant Worker (edition: 10/23/14). The edition date is printed at the bottom of every page of Form I-129. USCIS will reject petitions filed with previous editions of Form I-129.



New Version of Form G-28

Beginning Monday, May 18, 2015, USCIS will only accept the newest version of Form G-28, Notice of Entry of Appearance as attorney or Accredited Representative (edition: 3/4/15). If you are an employer and you have applications for employees in process which have not been submitted to DHS and if you have signed Form G-28 previously, make sure you signed the new Form G-28. If you signed the old form, ask your attorney to provide you new Forms G-28 for all your cases in process.

USCIS will not recognize that you or your company has legal representation if you submit an old Form G-28 on or after 5/18/15.

Consultations/Inquiries

es
CORPORATE OFFICE TAMPA

CALL

813-221-1366

OR

[E-Mail](#)

New Version of Form I-907

Beginning Monday, June 1, 2015, USCIS will only accept the latest version of Form I-907, Request For Premium Processing Service (edition: 1/29/15). USCIS will not accept any previous versions of Form I-907 on or after June 1, 2015.

June 2015 Visa Bulletin

The Department of State has published the visa Bulletin for June 2015.

[June 2015 Visa Bulletin](#)

Most notable, the employment based third category for all chargeability areas is all but current (2/15/15). If you are an employer, this is a good time to consider filing labor certifications because waiting periods on priority dates for most professional, skilled, and unskilled labor in this category are negligible for now.

Business Immigration Case Law

Shalom Pentecostal Church v. Acting Sec’y US Dep’t of Homeland Sec.

The Plaintiff is a Brazilian pastor who remained in the U.S. illegally since his tourist status expired some time in 1995. Although he was not authorized to work, he served and continued to serve as senior pastor of the Shalom Pentecostal Church from 1998 until filing this appeal. The I-360 religious worker petition, which the church filed for the pastor’s benefit, was denied on the sole basis that the church had failed to establish that the pastor worked in lawful immigration status for at least the two-year period immediately preceding the filing of the petition.. Both the District Court and the United States Third Circuit Court found the regulation requiring working in “lawful immigratic status” ultra vires because the regulatory language contradicts the plain language of the Immigration & Nationality Act. The case was remanded to the District Court with instructions to remand it to the USCIS for further fact finding on other eligibility questions concerning the pastor and the church.

MANEY | GORDON

101 E. Kennedy Blvd., Suite 3170
Tampa, Florida 33602

This email was sent to: mybusiness@maneygordon.com

[Unsubscribe](#) | [Subscribe](#) | [Forward to a Friend](#)

Branch Offices

Immigration Help Center
Tampa, Florida
813-888-6700
[MAP](#)

Orlando, Florida
407-857-1300
[MAP](#)

Albuquerque, New Mexico
505-266-8739
[MAP](#)

El Paso, Texas
915-533-6699
[MAP](#)