



Immigration News & Report

April/May 2012

Oriano Galloni's New Sculptures Highlighted at Arts for India Launch at the Guggenheim

Each month we highlight one of our many talented clients and their successes.


On April 26, 2012, Italian artist Oriano Galloni created a series of sculptures — called Colors of Spirit — for the launch of Arts for India, USA, a non-profit educational



organization that helps under-privileged Indian students pursue careers in the fields of art and design. Oriano attended the launch event in New York City, where actress Goldie Hawn accepted the Dayawati Modi Award for Art, Culture and Education. The sculptures Oriano donated for the cause are made with recycled wood from India, cloth from a belt bought in a market in Jaisalmer, and white Carrara marble. Oriano sculpted the pieces at his studio in Italy and brought them to the United States specifically for the Arts for India

launch. Proceeds from the sale of the sculptures will go to Arts for India, USA. To see these stunning pieces and more of Oriano's work visit his website at www.lorianogalloni.com.

Brazilians have tripled between 2006 and 2011, and 2012 is expected to yield the highest number of visas for Brazilians. The U.S. Department of Commerce estimates that by 2016, more than 2.8 million Brazilians will travel to the United States.

Due to the large influx of travelers to the United States from Brazil, on April 9, 2012 the Department of State announced the opening of two new U.S. Consulates in Brazil: one in 

Inside This Issue

- [Oriano Galloni's New Sculptures Highlighted at Arts for India Launch at the Guggenheim.....](#) 1
- [DOS Announces the Opening of Two New Consulates in Brazil and Improved Services Throughout the Country.....](#) 1
- [More Than 46,000 Parents of U.S. Citizen Children Removed in First Half of 2011.....](#) 2
- [May 2012 Visa Bulletin Shows Retrogression for Certain Employment-Based Visas \(EB-2\) for Chinese and Indian Nationals](#) 2
- [Non-immigrant Visa Interview Waiver Program Expands in Russia, New Delhi, and Bucharest](#) 2
- [H-1B Cap Count for Fiscal Year 2013 ..](#) 3
- [Visa Processing Fee Changes](#) 3
- [Look for Changes to Form I-797C Receipt Notice](#) 3

DOS Announces the Opening of Two New Consulates in Brazil and Improved Services Throughout the Country

2011 marked a record number of Brazilians visiting the United States. More than 1.5 million individuals from Brazil visited the United States last year, a 26% increase from 2010, making Brazil the fourth-largest source of overseas visitors to the United States. Visas issued to

©2012 Carlton Fields, PA. All rights reserved.

Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information purposes only and may not be quoted or referred to in any other publication or proceeding without the prior written consent of the Firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our "Contact Us" form, which can be found on our website at www.carltonfields.com. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship. The views set forth herein are the personal views of the author and do not necessarily reflect those of the Firm.



Immigration News & Report April/May 2012

Belo Horizonte and one in Porto Alegre. These new consulates will serve the important economic and cultural centers of Minas Gerais and Rio Grande do Sul. The new consulates will also alleviate the long visa interview wait times which Brazilians have been experiencing over the past few years. In addition to the opening of these new consulates, the Department of State is investing \$40 million throughout 2012 to improve existing facilities at the U.S. consulates throughout Brazil by adding interview windows, expanding office space, and improving waiting areas. The Department of State is also sending dozens of consular officers from around the world to Brazilian posts to assist in the adjudication of the massive amounts of visa applications in the country. Between August and December 2011, the Department of State sent 82 temporary duty officers to Brazil to immediately address the problem with visa wait times. Lastly, the Department of State is implementing a pilot program which allows certain qualified individuals to have the in-person interview requirement waived. All of these initiatives are part of a growing U.S.-Brazil partnership aimed to strengthen the relationship between the two countries.

More Than 46,000 Parents of U.S. Citizen Children Removed in First Half of 2011

In a recent report issued by Immigration and Customs Enforcement (ICE), the agency reports that ICE removed 46,486 foreign nationals between January 1,

2011 and June 30, 2011 who are the parent of at least one U.S. citizen child. The ICE report stems from a congressional effort to track the number of parents of U.S. citizens who are deported each year. In 2010, Congress mandated that ICE begin to identify and track the number of parents of U.S. citizens deported and to report the figures semiannually.

Many people are unaware that the immigration laws do not confer lawful status to parents of U.S. citizen children simply by virtue of their parent-child relationship. Although a child born in the United States is automatically granted U.S. citizenship, his or her parents must obtain lawful status in the United States in order to remain here. A U.S. citizen child may not file a family petition for his or her parent until he or she has reached the age of 21 years old. Media reports about so-called “anchor babies” have skewed the issue so much that Congress initiated the 2010 mandate in an effort to better understand the scale of this issue and its effect on the U.S. citizen children.

May 2012 Visa Bulletin Shows Retrogression for Certain Employment-Based Visas (EB-2) for Chinese and Indian Nationals

The visa priority date cut-off in the May 2012 Visa Bulletin for highly skilled professional workers (EB-2 masters-level immigrants) from China and India will retrogress to August 15, 2007. The April 2012 Visa Bulletin reflected that visa numbers were current for all applications filed prior to May 1, 2010, signifying that the

EB-2 category for China and India will retrogress two and a half years from the present visa bulletin. This means that the processing of visas for Indian and Chinese nationals may take years longer than expected. All applications received with EB-2 priority dates after August 15, 2007 will be forwarded to Visa Control at the Department of State to be held in a “Pending” file until new visa numbers become available. For those individuals who have applied for residency in the United States, EB-2 India and China adjustment-of-status (I-485) applications cannot be approved until more immigrant visa numbers become available and USCIS will hold these applications in abeyance until that time. The cut-off date is not expected to change until the start of the fiscal year 2013 beginning on October 1, 2012.

Non-immigrant Visa Interview Waiver Program Expands in Russia, New Delhi, and Bucharest

Earlier this year, the Department of State announced a pilot program, being implemented on an embassy-by-embassy basis, to waive the non-immigrant visa interview requirement for certain visa renewal applicants. Recently, the U.S. Embassy in Bucharest, Romania, announced the expansion of the visa interview waiver program for certain applicants seeking to renew a B1/B2, C1/D, or F/J/M visa that expired within the last 48 months. The U.S. Embassy in New Delhi, India announced the expansion of the program to certain applicants seeking to renew a B1/B2



Immigration News & Report April/May 2012

visa (also expired within the last 48 months). Lastly, the U.S. Embassy in Russia also announced the expansion of the program to applicants seeking to renew a B1/B2 or C1/D visa that expired within the last 47 months. Recently, the U.S. Embassy in Beijing, launched its visa interview waiver pilot program for certain B, C, D, F, J, M and O visa holders, and special rules went into effect for certain Brazilian citizens waiving their consular interviews. The Department of State hopes these initiatives will allow its consulates to provide better service to applicants around the world.

H-1B Cap Count for Fiscal Year 2013

On April 27, 2012, USCIS announced that, as of April 13, 2012, it had received approximately 29,200 H-1B cap-subject petitions for the 2013 fiscal year. While more than 40,000 numbers remain available, practitioners have noticed a significant increase in filings in comparison to last year's filing period. Additionally, USCIS also announced that it had received 2,300 H-1B petitions for aliens with advanced degrees.

The H-1B program helps U.S. businesses employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields.

Visa Processing Fee Changes

A recent release from the Department of State (DOS) announced that the visa processing fees will be adjusted as of April 13, 2012.

While most non-immigrant visa application and Border Crossing Card fees have increased, all immigrant visa fees have decreased. The following are the new fees for some of the most common nonimmigrant visas: H, L, O, P, Q and R will now be \$190; E, \$270; and K fiancé(e)s, \$240. For immigrant visas: immediate relative and family preference application, \$230; and employment-based applications, \$405. Border crossing cards for those over 14 have increased to \$160.

The increase of non-immigrant visa fees will support the addition and expansion of overseas facilities as well as additional staffing, resulting in faster processing of visas and meeting increased visa demands. Although most categories of non-immigrant visa processing fees will increase, the fee for E visas and K visas will decrease.

Look for Changes to Form I-797C Receipt Notice

As of April 2, 2012, the look and feel of the Form I-797C will change. USCIS has commenced printing some receipt notices on plain white paper. It has also added a statement at the top indicating that the form "DOES NOT

GRANT ANY IMMIGRATION STATUS OR BENEFIT." These new receipt notices will be used to notify applicants and attorneys that USCIS has received a petition or an application, transferred a pending case to another office, or scheduled an appointment for an interview of fingerprint appointments. USCIS explains that this change will save on printing and paper costs and make clear that the form does not convey any immediate benefit. It seems that Form I-797 approval notices will still be printed on the colored notice with which we are all familiar.

For more information, please contact:

Julie C. Ferguson
jferguson@carltonfields.com
www.carltonfields.com/jferguson
305.539.7262



P.O. Box 019101
Miami, FL 33131-9101

For more information,
please visit us at
www.carltonfields.com/immigration
or scan the QR code below



Oriano Galloni's New Sculptures Highlighted (Page 1)

From the Desk of Julie C. Ferguson

Welcome to the April/May 2012 edition of the *Immigration News & Report* newsletter. As always, thank you for your thoughts, comments and support. We appreciate your feedback.

If there is an immigration and nationality law topic that you would like to learn more about, please let us know. Send your requests to Valerie at vvanni-godoy@carltonfields.com.

Did you know that our firm supports clients not only in Miami, but in surrounding cities and states as well? We have active clients in Miami, Fort Lauderdale, Palm Beach, Naples, Orlando and more. In addition to South Florida, we also work with clients throughout the United States.

I am admitted to practice law in Florida, New York, and the District of Columbia. I have been admitted to the United States District Court for the Southern, Northern, and Middle Districts of Florida, the United States District Court for the District of Columbia, the United States District Court for the Southern District of New York, and the United States Eleventh Circuit Court of Appeals.

We hope you enjoy this month's collection of topics.
~ Julie

