

Business Immigration Weekly for February 24, 2014

2/24/2014

Practices: Immigration

By Esther Contreras

March 2014 Visa Bulletin Update

Today, the U.S. Department of State ("DOS") released its March 2014 Visa Bulletin which shows the availability of employment-based immigrant visa categories for the month of March. Below is a summary of this month's highlights:

- The EB-3 categories for World, China and Mexico continue to advance from June 1, 2012 to September 1, 2012.
- The EB-2 China category has advanced about a month January 8, 2009 to February 15, 2009.
- The EB-2 India category remains at November 15, 2004 after the prior retrogression of four years.
- The EB-3 India category has advanced two weeks from September 1, 2003 to September 15, 2003.

Forecasted Availability

In late 2013, the DOS has indicated the following visa availability:

- EB-1: will remain current.
- EB-2: World category will remain current; China will advance three to five weeks; and India will show no further advancement.
- EB-3 China: Although the DOS had indicated a potential retrogression for the February 2014 Visa Bulletin, this category continues to advance. It is not likely to last.
- EB-3 India: will show no further advancement.

Please note that month-to-month availability of immigrant visas varies and depends on many factors. These forecasts do not guarantee future availability.

Comparison to Prior Months

The following is a comparison of priority date movement since the inception of the current retrogression in 2007:

	Dec 2007	Jun 2008	Aug 2009	Sept 2012	May 2013	Jan 2014	Mar 2014
--	----------	----------	----------	-----------	----------	----------	----------

EB-3 World	09/01/02	03/01/06	U	10/01/06	12/01/07	04/01/12	09/01/12
EB-2 China	01/01/03	04/01/04	10/01/03	U	05/15/08	12/08/08	02/15/09
EB-3 China	10/15/01	03/22/03	U	12/15/05	12/01/07	04/01/12	09/01/12
EB-2 India	01/01/02	04/01/04	10/01/03	U	09/01/04	11/15/04	11/15/04
EB-3 India	05/01/01	11/01/01	U	10/08/02	12/22/02	09/01/03	09/15/03
EB-3 Other Workers	10/01/01	01/01/03	U	10/01/06	12/01/07	04/01/12	09/01/12

Additional information about the movement of the employment-based immigrant visa priority dates will be contained in our firm's future Immigration Updates when it becomes available.

DEPARTMENT OF LABOR RELEASES LATEST PERMANENT LABOR CERTIFICATION STATISTICS

The Department of Labor (DOL) recently issued its statistics for the first quarter of fiscal year 2014 (October to December 2013) for the Permanent Labor Certification Program. The DOL received 17,623 applications, certified 9,076, denied 1,039 and had 949 applications withdrawn. In evaluating the DOL trends from fiscal year 2012 to the present the denial rate continues to hover at around 11% and the appeals rate has more than doubled from fiscal year 2012 from 3% to 9%. Audit rates have decreased from 45% at the end of fiscal year 2012 to 25% for this first quarter. Fiscal year 2012 was the last year in which the DOL issued any statistics on the amount of applications in supervised recruitment.

The majority of PERM applications continue to be filed in the Computer and Mathematical fields followed by the following fields: Architecture and Engineering, Management, Business and Financial Operations, and Education, Training and Library (this last field replaced Healthcare Practitioners). The states that list the most work sites in decreasing order are: California, Washington, Texas, New York and New Jersey. The notable change was that Washington was replaced by Illinois. The Professional, Scientific and Technical Services remains the top industry, followed by Information, Manufacturing, Educational Services and Finance and Insurance.