



IMMIGRATION UPDATE - MAY 20, 2019

Posted on May 20, 2019 by Cyrus Mehta

Headlines:

Trump Proposes Merit-Based Immigration Plan – President Donald Trump proposed an immigration plan on May 16, 2019, that shifts the emphasis to a merit-based system to admit highly educated, high-skilled immigrants.

USCIS Completes Data Entry for FY 2020 H-1B Cap-Subject (Lottery)

Petitions – USCIS announced that it has completed data entry for all FY 2020 H-1B lottery petitions selected, including those under the U.S. advanced degree exemption.

Lawsuit Accuses USCIS of 'Attack' on IT Consulting – The lawsuit notes that USCIS recently increased the processing times and percentage of requests for evidence sent on H-1B lottery petitions, and points to a disparity in adjudications and processing times for direct employers versus IT consulting firms.

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Trump Proposes Merit-Based Immigration Plan

President Donald Trump proposed an immigration plan on May 16, 2019, that shifts the emphasis to a merit-based system to admit highly educated, high-skilled immigrants.

In a speech announcing the proposal on May 16, 2019, President Trump said the biggest change would be to "increase the proportion of highly skilled immigration from 12 percent to 57 percent," and possibly higher. Immediate family of new U.S. citizens, defined as spouses and children, would go "right to the front of the line."

President Trump also said the plan makes no change to the number of green cards allocated each year, but will "establish simple, universal criteria for admission to the United States," to be accomplished by an "easy-to-navigate points-based selection system." A would-be immigrant "will get more points for being a younger worker, meaning you will contribute more to our social safety net. You will get more points for having a valuable skill, an offer of employment, an advanced education, or a plan to create jobs," he said.

Reaction to the proposed plan was mixed, according to reports. House Speaker Nancy Pelosi (D-CA) quickly proclaimed the plan "dead on arrival." Sen. Chuck Schumer (D-NY), minority leader in the Senate, said the White House plan was "a political document that is anti-immigration reform." Sen. Mitch McConnell (R-KY), majority leader, said he "look forward to reviewing the President's proposal."

Details: Video and transcript,

<https://www.whitehouse.gov/briefings-statements/remarks-president-trump-modernizing-immigration-system-stronger-america/>

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USCIS Completes Data Entry for FY 2020 H-1B Cap-Subject (Lottery) Petitions

U.S. Citizenship and Immigration Services (USCIS) announced that it has completed data entry for all fiscal year 2020 H-1B lottery petitions, including those under the U.S. advanced degree exemption.

The agency will begin returning all unselected H-1B lottery petitions and will announce when notifications are completed. USCIS did not provide a specific timeframe but said, "We ask petitioners to wait to inquire about the status of their cap-subject petitions until they receive a receipt notice or an unselected petition that we have returned."

Details: USCIS announcement,

<https://www.uscis.gov/news/alerts/uscis-completes-data-entry-fiscal-year-2020-h-1b-cap-subject-petitions>

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Lawsuit Accuses USCIS of 'Attack' on IT Consulting

A new lawsuit, *ITServe Alliance v. USCIS*, argues that U.S. Citizenship and

Immigration Services (USCIS) is "trying to end the information technology consulting...business model." Among other things, plaintiffs note that until recently, USCIS adjudicated initial H-1B (lottery) petitions in a relatively timely manner to allow for approvals on the requested start date of October 1. But in 2018 and 2019, the time the agency took to adjudicate an H-1B lottery petition grew to 9.5 to 12.5 months, despite the fact that Congress expected the agency to conclude H-1B adjudications within 30 days.

The lawsuit asks whether USCIS is relying on factors Congress had not intended the agency to consider when adjudicating H-1B visas filed by the IT consulting industry, and asserts that the dramatic increase in processing times "is the direct result of ...attack on the IT Consulting community" through the agency's informal adjudications and policy memos.

The lawsuit also notes that USCIS recently increased the processing times and percentage of requests for evidence sent on initial petitions, and points to a disparity in adjudications and processing times for direct employers versus IT consulting firms.

Details: Lawsuit,

<https://nfap.com/wp-content/uploads/2019/05/Plaintiff-Motion.ITServe-Alliance-v-USCIS.April-4-2019.pdf>

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