

Law Offices of Becki L Young, PLLC Newsletter

Transcending Borders™

May 2010

In This Issue

[DHS Eliminates Paper I94W](#)

[FY2011 H1B Cap Count](#)

[Cap Gap Extensions for F1
Students](#)

[DV2011 Update](#)

[Green Card Is Once Again
Green](#)

Seeking Trainees/ Workers from France?

In early May attorney Becki Young traveled to France to speak with representatives from Relais & Châteaux (www.relaischateaux.com), the Institut Paul Bocuse (<http://www.institutpaulbocuse.com>), and the Vatel Hotel Business School (www.vatel.fr) about challenges faced by international students and professionals who wish to work and train in the U.S., as well as the options available to such individuals under current U.S. immigration laws.

If you are interested in learning more about these organizations (or receiving resumes of students/ graduates who wish to work or train in the US) please contact our office.

Quick Links
[Our Website](#)

[Join Our Mailing List!](#)

© Law Offices of Becki L.
Young, PLLC Release Date: May
22, 2010

DISCLAIMER: This information is not to be construed as legal advice. You should consult an immigration attorney whenever specific questions

DHS Announces Elimination of Paper I94 Arrival/Departure Form for Visa Waiver Travelers

Department of Homeland Security Secretary Janet Napolitano on May 20 announced the elimination of the paper arrival/departure form (Form I-94W) for authorized travelers from nations participating in the Visa Waiver Program (VWP)-streamlining secure travel for millions of visitors to the United States every year by consolidating the collection of traveler information and enhancing security by automatically providing DHS with important passenger information prior to departure.



The use of paper I-94W forms will be eliminated for VWP travelers with an approved Electronic System for Travel Authorization (ESTA) arriving in the United States at all airports by the end of this summer. CBP will activate automated processing for U.S. airports on a rolling basis over the next several months.

CBP recommends that travelers submit ESTA applications as soon as an applicant begins making travel plans. ESTA applications may be submitted at any time prior to travel, and once approved, will be valid for two years or until the applicant's passport expires.

FY2011 H1B Cap Count

USCIS updated its count of FY 2011 cap-subject H-1B petitions and advanced degree cap-exempt petitions received. As of May 14, 2010, approximately 19,000 H-1B cap-subject petitions were received. USCIS has received 8,100 H-1B petitions for aliens with advanced degrees.

You can view the current cap count at http://www.uscis.gov/h-1b_count.



Cap Gap Extensions for F1 Students in Post- Completion OPT

Current USCIS regulations allow certain students with pending or approved H-1B petitions to remain in F-1 status during the period of time when their status and work authorization would otherwise expire, and up to the start of their approved H-1B employment period. This is referred to as filling the "cap-gap," meaning the regulations provide a way of filling the "gap" between F-1 and H-1B status that might otherwise occur if F-1 status was not extended for qualifying students.

To qualify for cap gap extensions, an eligible F-1 student must be the beneficiary of a timely filed H-1B petition. Timely filed means that the H-1B petition (indicating change of status rather than consular processing) was filed during the H-1B acceptance period, while the student's authorized duration of status (D/S) admission was still in effect (including any period of time during the academic course of

