

# Business Immigration Weekly for the Week ending November 7, 2014

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By Esther Contreras

## DECEMBER 2014 VISA BULLETIN UPDATE

The Department of State (DOS) released its December 2014 Visa Bulletin which shows the availability of employment-based immigrant visa categories for the month of December. Below is a summary of the bulletin highlights:

- The EB-2 India category has stalled at February 15, 2005 as predicted in our previous bulletin updates.
- The EB-2 China category continues to advance slowly from December 8, 2009 to January 1, 2010.
- The EB-3 India category advances only a few days from November 22, 2003 to December 1, 2003.
- The EB-3 World, Mexico and Philippines categories advance from June 1, 2012 to November 1, 2012.
- The EB-3 China category shows significant advancement from January 1, 2010 to June 1, 2010.

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	Nov 2014	Dec 2014
EB-3 World	09/01/02	03/01/06	U	10/01/06	12/01/07	06/01/12	11/01/12
EB-2 China	01/01/03	04/01/04	10/01/03	U	05/15/08	12/08/09	01/01/10
EB-3 China	10/15/01	03/22/03	U	12/15/05	12/01/07	01/10/10	06/01/10
EB-2 India	01/01/02	04/01/04	10/01/03	U	09/01/04	02/15/05	02/15/05

EB-3 India	05/01/01	11/01/01	U	10/08/02	12/22/02	11/22/03	12/01/03
EB-3 Other Workers	10/01/01	01/01/03	U	10/01/06	12/01/07	06/01/12	11/01/12

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.

### **VISA WAIVER PROGRAM ESTA TO CAPTURE ADDITIONAL DATA**

The Department of Homeland Security (DHS) this week issued a press release stating that the Electronic System for Travel Authorization (ESTA), which is used to screen travelers to the United States using the Visa Waiver Program, would be modified to include additional data fields. These fields include: aliases/other names, additional citizenships, parents' names, national identification numbers, contact information (email, phone, points of contact), employment information and city of birth. The DHS has indicated that this increase in data collection will assist the agency with the screening of travelers, specifically of individuals from terrorist organizations.

ESTA is an online application that was established in 2008 to enhance the security of the Visa Waiver Program. The Program allows certain nonimmigrants to enter the United States as a Visitor for Business or Tourism without having to previously secure a B-1/B-2 visa at a U.S. Embassy or Consulate abroad. A Visa Waiver Program traveler is granted a period of authorized stay of 90 days and prior to entry must register with ESTA online at: <https://esta.cbp.dhs.gov/esta/> and pay a \$14 fee. Citizens and nationals of the following countries are eligible to participate in the Visa Waiver Program: Andorra, Australia, Austria, Belgium, Brunei, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, Republic of Malta, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Taiwan, and United Kingdom.

### **TRI-VALLEY UNIVERSITY FOUNDER GETS 16 YEARS IN FEDERAL PRISON**

Susan Xiao-Ping Su, the founder and President of Tri-Valley University in California received a sentence of 16 years in federal prison and was ordered to forfeit \$5.6 million and pay \$900,000 in restitution. Su founded Tri-Valley University in 2008. In the following year, Tri-Valley University received authorization from the US Department of Homeland Security, through the US Immigration and Customs Enforcement's Student and Exchange Visitor Program (SEVP) to issue Forms I-20, Certificate of Eligibility for Nonimmigrant Status, which allows the enrollment of foreign students. In 2010, SEVP withdrew the university's eligibility for issuance of the Form I-20 citing various failures, such as not requiring students to attend classes and improperly reporting changes in the SEVP's web-based database, the Student and Exchange Visitor Information System (SEVIS). A year later, DHS raided Su's home and she was charged with running the University as an immigration scam, where students received grades and immigration-documents in exchange for "tuition" fees. A DHS investigator claimed in the media that many of the students knew of the scam and willingly participated. During the trial, Tri-

Valley University employees testified that Su asked the staff to falsify transcripts and that even though many students did not attend classes they were issued grades nonetheless. After the University closed its doors the majority of the students voluntarily left the United States, but many sought to change their enrollment to another academic institutions. Other academic institutions of higher education are also facing the same issues, such as Jerry Wang, the CEO of Hergual University and the University of East-West Medicine whose trial will commence next month.

*Weekly Immigration Updates are provided under the Legal Update link of the Immigration Group Section of our firm's website at [www.masudafunai.com](http://www.masudafunai.com).*