



EMAIL BULLETIN

U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) PROVIDES UPDATE ON H-1B ADVANCED DEGREE EXEMPT NUMBER USAGE FOR FISCAL YEAR 2007

Only About 12,000 H-1B Visa Numbers Remain Available for Candidates with Advanced Degrees Awarded by U.S. Institutions

20 June 06

On June 16, 2006, the CIS announced that, as of June 9, 2006, the CIS had received approximately 7,324 petitions eligible for an Advanced Degree Exemption under the FY 2007 H-1B cap. The CIS further disclosed that an additional unknown number of petitions received, but not yet data-entered, would also qualify for one of the 20,000 Advanced Degree Exempt Numbers for FY 2007. The Advanced Degree Exempt Numbers are available for those beneficiaries who hold a Masters Degree or higher from a U.S. institution. Graduates with advanced degrees from foreign universities do not qualify for this exemption unless they also hold a Masters Degree or higher from a U.S. institution.

Based on the CIS data, valid as of June 9, 2006, there may now be only 10,000 or fewer H-1B Advanced Degree Exempt Numbers remaining for all of FY 2007 (October 1, 2006 through September 30, 2007). For this reason, employers are urged to move forward at this time with the immediate preparation and filing of new H-1B petitions qualifying for one of the 20,000 exempt numbers. This includes those petitions to be filed for F-1 student employees who are working pursuant to F-1 Optional Practical Training, even if these employees have several months of validity remaining on their Employment Authorization Documents (EAD). Failure to file early may result in the unavailability of H-1B numbers when the EAD cards expire, thereby leaving a gap in employment eligibility.

While the U.S. Senate has proposed an increase in H-1B numbers, immigration benefits are largely opposed in the House. While hope for an increase in the H-1B quota exists, employers are urged not to rely on such a possibility, which, if it occurs, could occur too late to avoid a gap in employment eligibility for many beneficiaries. Contact your Tindall & Foster immigration attorney now to initiate and file new H-1B petitions qualifying for the H-1B Advanced Degree Exemption as soon as possible.

For more information concerning the H-1B cap and cap-exempt cases, contact your Tindall & Foster Immigration Attorney. Your Tindall & Foster attorney will be happy to assist you in developing an appropriate case strategy and will provide you with a list of all information and documentation needed to facilitate case preparation and filing.