



EMAIL BULLETIN

U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) WILL ACCEPT H-1B PETITIONS REQUESTING FY-2008 H-1B VISA NUMBERS BEGINNING APRIL 1, 2007

26 February 2007

Act Now to Secure One of the Limited Numbers Available

Beginning April 1, 2007, it will be possible to file H-1B nonimmigrant visa petitions seeking Fiscal Year 2008 (October 1, 2007 through September 30, 2008) H-1B numbers for individuals qualified for employment in a Specialty Occupation, one that ordinarily requires a Bachelors Degree or its equivalent. Because the H-1B numbers for Fiscal Year 2008 are expected to be exhausted even earlier this year than last, it is important for employers to plan now for filing H-1B petitions in early April 2007, for candidates to begin employment on October 1, 2007.

Employers who have F-1 Students who will begin employment this summer pursuant to Optional Practical Training (OPT) are strongly urged to consider filing H-1B petitions on behalf of these candidates in April, even though the student may have a year of employment eligibility remaining under their OPT Employment Authorization Document (EAD) cards. OPT EAD cards are valid for one year, meaning students beginning OPT employment in June 2007 will exhaust their OPT employment authorization in June 2008. Employers who fail to secure a Fiscal Year 2008 H-1B visa number for these affected employees will be unable to employ them between the expiration of their OPT EAD cards in June 2008 and the beginning of Fiscal Year 2009 on October 1, 2008.

In order to maximize the opportunity to obtain one of the limited H-1B numbers for Fiscal Year 2008, and to avoid a potential gap in employment authorization ranging from several weeks to several months in 2008, **employers are encouraged to begin now to identify those employees for whom H-1B petitions will be required and to consider filing H-1B petitions early, in April 2007. Employers should not wait until April to collect the necessary documents and initiate the H-1B petitioning process. The first week in April is the target for filing new petitions; therefore, petitions should be prepared in advance of April 1, 2007.** Contact your Tindall & Foster immigration attorney now for early assistance in evaluating candidate eligibility, developing an appropriate case strategy, and preparing the necessary documents for filing an early April filing.