

U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) ANNOUNCES FEWER THAN 10,000 FY 2006 H-1B VISA NUMBERS REMAIN AVAILABLE FOR BACHELORS-DEGREED CANDIDATES

Advanced U.S. Degree Exempt Numbers Remain Available for FY 2005 and FY 2006

2 August 2005

U.S. Citizenship & Immigration Services (CIS) announced on Tuesday, August 02, 2005 that, as of July 31, 2005, fewer than 10,000 H-1B numbers remain available for Bachelors-degreed candidates seeking a Fiscal Year 2006 (October 1, 2005 to September 30, 2006) start date. Employers seeking one of the limited H-1B numbers which remain available for the entire upcoming year should contact their Tindall & Foster, P.C. immigration attorney immediately for additional information and to initiate the petitioning process.

Employers should urgently consider filing an H-1B petition immediately for any F-1 student working pursuant to Optional Practical Training who has an Employment Authorization Document (EAD) card expiring before the next fiscal year begins on October 1, 2006. Failure to act now could result in a gap in employment authorization from the expiration of the F-1 student employee's EAD card in the summer of 2006 until the beginning of FY 2007, on October 1, 2006. Contact your Tindall & Foster, P.C. immigration attorney now to minimize the risk of a potential gap of several months in employment authorization.

FY 2005 and 2006 H-1B numbers remain available for those candidates qualifying for the Advanced U.S. Degree Exemption under the H-1B cap. The Advanced U.S. Degree Exemption applies only to those candidates who obtained their Masters or higher degree from a U.S. university.

Chart of Availability of H-1B and H-2B Numbers

	H-1B (FY 06)	H-1B Advance Degree Exemption (FY 05)	H-1B Advance Degree Exemption (FY 06)
Cap	58,200**	20,000	20,000
Cases Approved	21,252	9,358	4,035
Cases Pending	27,788	792	3,849
Total	49,040	10,150	7,884
Numbers Left	9,160	9,850	12,116
Date of Last Count	7/31/2005	7/28/2005	7/31/2005

Because H-1B numbers are limited for candidates with either Bachelors Degrees or advanced degrees, employers must act without further delay to proceed with the H-1B petitioning process for known candidates.

Tindall & Foster will continue to monitor the availability of H-1B visa numbers for Fiscal Year 2006 and will provide updates via future Email Bulletins and on our web site at http://www.tindallfoster.com/resources_bulletin.html. However, **when the announcement comes that there are no longer H-1B numbers available, it will be too late to act to secure a number.** Therefore, employers are strongly urged to contact their Tindall & Foster immigration attorney now to initiate the H-1B petitioning process on behalf of all affected employees while numbers remain temporarily available.