



EMAIL BULLETIN

The U.S. Citizenship & Immigration Services (CIS) Announces H-1B Usage for Fiscal Year 2007; Only 13,050 H-1B Visa Numbers Remain Available for Candidates with Bachelors Degrees or the Equivalent

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On May 25, 2006, the CIS announced that, as of May 23, 2006, the CIS had received 45,150 petitions subject to the FY 2007 cap that do not qualify for an exemption based on the candidate's possession of an advanced degree from a U.S. institution. The total number of H-1B numbers available for Fiscal Year 2007 is 65,000. However, 6,800 of these are set aside for citizens of Chile and Singapore, bringing the actual quota for most nationalities down to 58,200. This means that, as of May 23, the CIS estimates, without accounting for a small percentage of denials, only approximately 13,050 H-1B visas remain available for Fiscal Year 2007 for candidates that do not possess a U.S. advanced degree.

Previously the CIS announced that, as of May 12, 2006, the CIS had received 34,808 H-1B petitions subject to the FY 2007 cap for candidates with only bachelors-level degrees, which left only about 23,392 available. With the CIS announcement of approximately 45,150 approved or pending as of May 23, we see a usage trend of approximately 1,000 H-1B numbers per business day.

File H-1B Petitions Now

Employers should file all new H-1B petitions immediately, including those 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. Petitions for all other candidates who do not currently hold H-1B status should also be filed as soon as possible in order to maximize the opportunity to secure an H-1B number for H-1B employment beginning on October 1, 2006.

While the U.S. Senate proposes an increase in H-1B numbers, as discussed further in Item #2 below, the measure is part of a larger, more comprehensive bill that faces stiff opposition in the U.S. House of Representatives. 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 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.