



This Immigration Update[®] from FosterQuan, LLP contains important information regarding the following:

ICE Expands the STEM Degree List Allowing More Students to Extend OPT Employment Authorization

Immigration & Customs Enforcement (ICE) has added degree programs to the list of STEM Designated Degrees which qualify a student for an additional extension of F-1 Optional Practical Training (OPT) employment authorization.

OPT is temporary employment authorization that allows students to gain work experience in their particular field of study. Under existing rules, an F-1 student may be authorized to receive up to 12 months of OPT employment authorization. Additionally, students whose employers participate in E-Verify may apply for an extension of their OPT employment authorization for an additional 17 months (for a total of 29 months), provided the students have completed a bachelor's, master's, or doctoral degree program in a field listed on the STEM Designated Degree Program List.

Recently ICE published an expanded list of STEM Degree Programs that qualify graduates on student visas for this additional extension of OPT employment authorization. The revised list is available at [STEM Designated Degree Program List](#) and includes fields such as Neuroscience, Medical Informatics, Pharmaceuticals and Drug Design, Mathematics and Computer Science. This announcement is consistent with the Obama Administration's continued commitment to expanding access to the nation's pool of talented, highly-skilled graduates in science and technology fields.

For more information regarding the revised STEM Designated Degree Program List or the procedural steps for obtaining an OPT extension, contact your FosterQuan immigration attorney. As always, FosterQuan will continue to monitor changes in the STEM Program and CIS procedures and will continue to provide further updates via future Immigration Updates[®] and on our firm's website at www.fosterquan.com.

H-2B and H-1B Cap Count Update

U.S. Citizenship and Immigration Services (CIS) has recently announced that as of May 6, 2011, it has received a total of 27,173 H-2B petitions toward the 33,000 H-2B cap allocated for the second half of the fiscal year. The H-2B nonimmigrant visa permits U.S. employers the opportunity to hire foreign workers to perform temporary non-agricultural services or labor for which there is a shortage of U.S. workers. Currently, there is a 66,000 per year limit on the number of foreign workers who may receive H-2B status. The visas are made available twice a year, with 33,000 visas available for a start date between October 1st and March 31st, and an additional 33,000 visas available for a start date between April 1st and September 30th. As of May 6, 2011, only 5,827 H-2B visas remain available for a start work date in the second half of the current fiscal year.

Additionally, for Fiscal Year 2012 (beginning on October 1, 2011) CIS has also announced that as of May 20, 2011, it has received a total of 12,300 petitions counting toward the congressionally

mandated 65,000 H-1B regular cap, and approximately 8,500 petitions counting toward the H-1B masters cap (available to applicants with a U.S. master's degree or higher education) which provides an additional 20,000 H-1B visas above the 65,000 general H-1B cap. As expected, H-1B program usage continues to remain low given the continued sluggish economy and relatively high unemployment rates. By this time last year, CIS had received almost double the number of petitions subject to the H-1B regular cap. It is possible that other contributing factors, such as lower cost of living in applicants' home countries and the difficulty faced in obtaining visas for close family members, may also impact demand. With lower-than-expected H-1B visa demand, petitioners may expect a longer period of H-1B visa availability this year.

To initiate a new H-2B or H-1B petition, or to obtain more information on the requirements of these temporary work visa categories, contact your FosterQuan immigration attorney. As always, FosterQuan will continue to closely monitor the number of petitions received for both the H-2B and H-1B program and provide further updates via future Immigration Updates[®] and on our firm's website at www.fosterquan.com.