

Special Bulletin

On April 2, 2007, the Immigration Service will begin accepting H-1B temporary worker applications with start dates of October 1, 2007, the first day of the government's new fiscal year. These visas are available to professionals in specialty occupations. The cap applies to those not currently in H-1B visa status, who have not had that status in the past six years and have not left the U.S. for one year since acquiring the status, and those who are not otherwise exempt.

Under current law, the Immigration Service can approve a limit of only 65,000 new H-1B visas each year. Last year this cap was reached on May 26, 2006. Due to the limitation of available visas and the backlog that has built up since last May, employers interested in sponsoring a worker for H-1B status should act immediately to prepare the necessary petition for immediate filing as soon as possible. It is particularly important for those employees working on optional practical training who are subject to the cap not to miss this window of opportunity to avoid a gap in authorized employment.

If you require our assistance or have any questions regarding the preparation of a petition for H-1B visa status or how the cap might affect any petitions you are planning on filing, please contact David W. Cook or Robert A. Harris. We recommend immediate attention to these issues so as to avoid having to wait a full year before new visas again become available in this category.