

LEGAL UPDATE

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By: Colleen L. Caden

H-1B FILING SEASON BEGINS APRIL 1, 2010

On April 1, 2010, the United States Citizenship and Immigration Service (“USCIS”) will begin accepting H-1B Specialty Occupation visa petitions. The H-1B is the work visa most commonly used by employers to hire highly skilled foreign workers. Despite the economic downturn, employers are encouraged to begin preparing and filing H-1B petitions on behalf of their employees to ensure that work authorization is secured.

The H-1B program is used to employ foreign workers in professional positions, e.g., architects, engineers, scientists, and computer programmers, which require at least a bachelor’s degree education or its equivalent. There are 65,000 H-1B visas available each fiscal year, which includes 6,800 for nationals of Chile and Singapore pursuant to U.S. Trade Agreements with these countries. An additional 20,000 H-1B visas are available to foreign workers who possess a master’s degree or higher from a U.S. university. H-1B petitions are valid on October 1, 2010, the start of the fiscal year, and USCIS will begin accepting applications on April 1, 2010.

For the first time since 2003, H-1B visas were available from April 1, 2009 through December 21, 2009. In years past, the coveted H-1B visas were in such high demand by U.S. employers that they were exhausted on or immediately after April 1. The USCIS then engaged in a lottery process to select the H-1B petitions to be adjudicated.

Employers are advised to begin planning now for the preparation and filing of H-1B visa petitions on April 1, 2010. Please contact Colleen L. Caden with any questions about H-1B visa petitions or immigration matters in general.

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The foregoing is intended to summarize the H-1B filing season, and does not constitute legal advice. Please contact the Pryor Cashman attorney with whom you work with any questions you may have. If you would like to learn more about this topic or how Pryor Cashman LLP can serve your legal needs, please contact Colleen Caden at (212) 326-0147.

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Colleen Caden joined Pryor Cashman in 2009. She works with a diverse client base including Fortune 100 and 500 companies and represents clients in the professional sports, consumer products, financial services, media, consulting, higher education and health care industries.

Ms. Caden has experience in all aspects of immigration and nationality law and ensuring compliance with immigration laws, U.S. Department of Labor regulations and the U.S. Citizenship and Immigration Services programs. She has extensive experience advising clients on:

- The development and implementation of immigration programs and policies
- Strategic planning of long-term and short-term immigration needs to meet their unique circumstances and needs
- Immigration issues related to changing corporate structure

Ms. Caden also has a wealth of experience in preparing temporary visa petitions and applications for permanent residence. She also regularly speaks on U.S. business immigration issues.

While at Brooklyn Law School, Colleen served as Articles Editor of The Journal of Law and Policy and was Vice President of the Moot Court Honor Society.