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ALERT

APRIL 3, 2007

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H-1B Cap Reached on Opening Day

The United States Citizenship and Immigration Services (USCIS) announced today that the cap for H-1B petitions for FY 2008, which begins on October 1, 2007, has been met!

As of April 2, 2007, all 58,200 available H-1B visa numbers for FY 2008 have been depleted and any cap-subject petitions received after April 3rd will be rejected and returned with filing fees. Under USCIS regulations, petitions received on April 3rd will be included in a computer-generated random-selection process.

The number of H-1B cases filed is staggering. USCIS claims that as of late afternoon on April 2nd, it had received approximately 150,000 cap-subject H-1B petitions. Because of this large volume, the results of the random selection process will not be known for several weeks.

As for the additional 20,000 H-1B visa numbers reserved for foreign nationals who have earned a U.S. master's or higher degree, USCIS does not yet know how many of these types of petitions are mixed in with those cases already received. Therefore, we can expect a future notice from USCIS regarding the cap for these types of petitions and we will notify our clients accordingly.

We will continue to keep you abreast of the latest information as it becomes available.

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If you would like more information on any immigration matter, please contact your immigration attorney at Mintz Levin or go to www.mintz.com.

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