

## Apply Now for H-1B Visas

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Do you anticipate hiring anyone this year who may need an H-1B visa? If so, keep in mind that deadlines are approaching. The filing date is April 1 for new H-1B visas that will take effect on October 1, 2010. Once all of the new visas have been issued, no additional new H-1B's will be available until October 2011.

### **H-1B Lottery**

In 2008, more than 160,000 petitions were filed at the start of the application period. Because of the high demand, officials held a lottery to allocate the 85,000 available visas. (Of the 85,000 total new H-1B's that will be available, 20,000 will be set aside exclusively for applicants who have earned a master's degree from a U.S. university.) Employers whose petitions were not selected in the lottery were unable to hire the professionals they needed at that time.

Last year, visas were available until December, but an improving economy might result in higher demand this year, which is why we are encouraging you to file early.

Remember, however, that a number of employers are not subject to the H-1B quotas and may file for H-1Bs at any time. These exempt employers include nonprofit research organizations, institutions of higher education and nonprofit organizations that are affiliated with institutions of higher education.

### **New Department of Labor Procedures**

The Department of Labor has adopted new procedures that can take a month or more to complete before an H-1B application can be filed. Under the new procedures, employers who have not previously filed H-1B petitions must be approved by the DOL as bona fide business entities. It can take several weeks for the DOL to issue this approval, particularly for small businesses or businesses that have only been in operation a short time.

In addition, the DOL can take up to a week or more to approve labor condition applications even for employers who have previously filed H-1B petitions. In light of these new procedures, we strongly suggest application papers be completed no later than March 1 to insure an April 1 filing date.

### Contact Information

Please contact us now if you have employees who are recent graduates currently authorized to work pursuant to optional practical training, or if you plan to hire someone who will need an H-1B visa and doesn't already have one through a current employer.

If you have questions about immigration, contact Kathy Hanenburg, chair of Warner's Immigration Practice Group, at 616.752.2151 or [khanenburg@wnj.com](mailto:khanenburg@wnj.com) or Angela Jenkins at 616.752.2480 or [ajenkins@wnj.com](mailto:ajenkins@wnj.com).