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LEGAL ALERT



Legal Alert: Reminder - Act Now to Begin the Application Process for H-1B Visas for FY 2009

1/31/2008

Employers who anticipate needing H-1B visas for FY 2009 should be aware that early filing begins April 1, 2008. Although USCIS will not grant H-1B employment to begin until October 1, 2008 (the first day of FY 2009), it will accept applications up to six months prior to this date.

The number of H-1B visas available for FY 2009 is capped at 65,000. In the past, a large number of H-1B petitions have been filed on or shortly after April 1, in an effort to ensure obtaining a visa. We anticipate this will happen again; thus the H-1B cap likely will be met well before the beginning of the 2009 fiscal year. We strongly encourage you to contact Ford & Harrison's Immigration Department as soon as possible if you anticipate needing H-1B visas for FY 2009.

Employers generally use H-1B visas to employ foreign workers in specialty occupations that require theoretical or technical expertise in a specialized field. Generally, workers qualified for this visa must have at least a four-year degree or its equivalent and, if applicable, any license necessary to practice in the occupation. This visa is often used for occupations such as architects, engineers, computer software professionals, etc.

An H-1B visa may be an alternative for employers who want to continue to employ foreign student workers. Individuals in the country on student visas may be permitted to work in fields related to their education through an optional practical training provision for F-1 (student) visas. However, these students can only work for one year through this provision. Therefore, if you would like to continue a foreign student's employment, you may want to consider applying for an H-1B visa before the student's optional practical training time expires.

Employers' Bottom Line:

It is likely the H-1B visa cap for FY 2009 will be reached quickly, as in the past. Ford & Harrison's immigration attorneys are experienced in applying for these visas on behalf of employers and can guide you through the process. Employers interested in applying for H-1B visas should contact us now to begin processing the paperwork, so these applications can be submitted on April 1, 2008, or as soon as possible to insure the retention of valuable employees.

If you have any questions about the H-1B visa process or any other

employment related immigration issue, please contact either Raazia Hall, rkhall@fordharrison.com, 404-888-3816, or Joyce Fleming, jfleming@fordharrison.com, 404-888-3888, in Ford & Harrison's Business Immigration practice group.