

Practice Areas

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Permanent Residence for Family
within U.S.

Naturalization /Citizenship

AMNESTY

Update: Foreign Worker Slots Remaining for FY 2011

Posted: January 19th, 2011

U.S. Citizenship and Immigration Services (“USCIS”) still has slots available in fiscal year 2011 for foreign workers in specialty occupations under the H-1B program.

Thus, employers who are still hiring foreign workers in foreign specialty occupations after October 1, 2010 (the start of the 2011 fiscal year) can still file visa petitions on behalf of those workers. By rule, the specialty occupations include, but are not limited to: scientists, engineers and computer programmers.

Petitions should be filed as soon as possible in order to avoid being shut down by the annual cap limitation for the H-1B program (cap amount of 65,000 for FY 2011).

Some petitions will be exempt from the cap if they are made on behalf of certain individuals who have obtained an advanced U.S. degree, but USCIS grants the exemption only to the first 20,000 applications.

The current year (FY 2011) H-1B petition counts are as follows through Jan. 11, 2011:

- H-1B Regular Cap: 58,700 petitions (cap limit: 65,000)
- H-1B Advanced Degree Exemption: 20,000 petitions (limit: 20,000)

These numbers represent a significant jump over a month ago, so it would be wise for employers who are considering workforce additions to act now. The Advanced Degree Exemption limit for H-1B visas has already been met, but an additional 6,800 H-1B visa openings are also set aside for workers from Chile and Singapore, pursuant to the H-1B1 program arising out of the U.S.-Chile and U.S.-Singapore Free Trade Agreements.

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H-1B petitions, in order to be properly filed, must be complete and accurate. Necessary documents include, but are not limited to the following:

- a Form I-129 petition with appropriate supplements;
- labor condition applications on Form ETA 9035;
- required evidence of a beneficiary's educational background;
- duplicate copies of certain documents; and
- Consulate-specific forms required by the Department of State where appropriate.

If you are in need of more information about business immigration, please check the pertinent section of [our Website](#) or call our offices at (847)564-0712.