

US IMMIGRATION CLIENT ALERT

If you have any questions about this announcement, please contact the legal professional with whom you usually work at Fragomen, Del Rey, Bernsen & Loewy, LLP.

April 8, 2008

FY 2009 H-1B Cap Reached

EXECUTIVE SUMMARY

U.S. Citizenship and Immigration Services today announced that it has received more than enough H-1B petitions to meet the standard H-1B cap and the pool of 20,000 H-1B numbers for holders of U.S. advanced degrees. The agency will use computerized lotteries to select the petitions that will be processed to completion. It could take several weeks or more for the government to run the lotteries and issue filing receipts for the cases selected.

U.S. Citizenship and Immigration Services (USCIS) has announced that, between April 1 and April 7, it received more than enough H-1B petitions to meet the standard cap and the pool of 20,000 numbers for holders of U.S. advanced degrees for Fiscal Year (FY) 2009.

The agency will use a computerized lottery to choose the cases that will be processed to completion. USCIS will first run a lottery to select 20,000 cases filed on behalf of foreign nationals who hold advanced degrees from U.S. universities. Any case that is not chosen in the advanced-degree lottery will be put into the lottery for the standard H-1B quota. Cases that are not chosen in a lottery will be rejected and returned with their fees.

Due to the large number of H-1B petitions filed between April 1 and April 7, USCIS could take several weeks or more to open up each filing, conduct the selection lotteries and issue filing receipts for the cases that are chosen. USCIS will also temporarily halt premium processing for FY 2009 H-1B cap cases while it finishes initial case intake and runs the lotteries. The agency is expected to restart the premium processing clock once the lotteries have been completed.

FRAGOMEN is closely monitoring the H-1B petition intake process and will issue further Client Alerts as developments occur. If you have any questions about this Client Alert, please contact your designated FRAGOMEN professional.

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