

## IMMIGRATION ON A VERY FAST TRACK: THE RACE FOR H-1B VISAS

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Employers in desperate need of specialty talent from overseas will have no time for fooling around this coming April 1. On that day, the U.S. Citizenship and Immigration Services (USCIS) is scheduled to start accepting applications for the limited supply of H-1B visas, which allow businesses to employ foreign workers with special skills such as teachers, scientists and computer programmers for an initial period of up to three years. Employers are racing to apply the minute the window opens because it probably won't remain open for long.

Between demand for technology workers and the uptick in the economy, immigration specialists fear USCIS could announce that the annual quota of H-1Bs visas has been exhausted within the first week. Last year, by contrast, the USCIS didn't stop accepting applications until June 22. An employer that misses this year's April 1 rush will have to wait until April 1, 2014 to try again.

Only 65,000 H-1B visas are available for "specialty" or "professional" workers with bachelor's degrees or the equivalent. An additional 20,000 H-1B visas are reserved for foreign nationals with master's or higher degrees earned at U.S. colleges or universities. A bipartisan group of senators is primed to sponsor a bill—dubbed the Immigration Innovation (I2) Act of 2013—that could boost the annual H-1B cap to 300,000 with the actual number being tied to demand. But, with unemployment numbers still high and Congress looking at broader immigration reform, it is likely to be an uphill battle to get the H-1B quota increased separately.

For now, it's safe to assume that we won't see an increase in the cap before the April 1 deadline, so employers should start preparing their petitions immediately, if they haven't started already. It generally takes two to three weeks to gather the information and complete the documents. An H-1B Worker may be the perfect fit for your business. If so, start the petition process now. Missing the 2013 application

window could mean a long wait for the right employee.

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