



Get Ready to File Your H-1B Visa Petitions on April 1, 2010

Insights

3.03.10

On April 1, 2010, the United States Citizenship and Immigration Services (USCIS) will begin accepting new H-1B visa applications for employment that will begin on October 1, 2010. The H-1B visa is a popular choice for companies who want to hire a foreign worker to fill a "professional" or "specialty occupation" position requiring a minimum of a bachelor's degree or the equivalent.

There are 65,000 H-1B visas available each year plus an additional 20,000 H-1B visas reserved for holders of U.S. master's or higher degrees. Although USCIS reached the quota in the first week of filing in previous years, the quota this past year was not filled until December 2009. Since we anticipate that the H-1B visa numbers will be filled more quickly this year as the economy starts to recover, an April 1st target date for filing H-1Bs will increase your chances of a successful H-1B petition.

To meet a target filing date of April 1st, we recommend that you start evaluating your needs for H-1B workers now. Unlike previous years, there is no longer the possibility of one-day approval from USDOL for Labor Condition Applications – which are required in order to file the H-1B petition with USCIS. The USDOL is generally taking seven days to process Labor Condition Applications and we expect this processing time to increase as employers prepare to file H-1Bs.

Possible candidates for H-1B visas are current employees or potential new hires now working in F-1, J-1, L-1 and TN categories whose employment authorization will expire before October 2011. After you evaluate your hiring needs, consult with Fisher Phillips Global Immigration Practice Group to have the H-1B materials prepared in advance and ready to be filed on the April 1 filing date.

This Global Immigration Alert is provided as an informational overview of this topic. It is not intended as, nor should it be construed as, legal advice for any particular fact situation.