



IMMIGRATION ALERT

USCIS Expands Eligibility for New H-1B Work Permits to All Foreign Nationals with U.S. Bachelor's Degree or Equivalent

Late Tuesday, March 8, 2005 USCIS announced that it was expanding eligibility for the 20,000 H-1B work permits that are available this fiscal year (FY 2005). These 20,000 H-1B work permits, which were created by the Omnibus Appropriations bill in December 2004, were originally designated only for individuals who hold a Master's degree or higher degree from a United States college or university.

USCIS in its announcement stated that any foreign national who qualifies for H-1B status is eligible to apply for one of the 20,000 H-1B work permits which are available this fiscal year. USCIS has not indicated when it will begin accepting these filings, but we expect this to happen within the next several days. We anticipate that the allotment of 20,000 H-1B work permits will be exhausted quickly, perhaps within one to two months. Employers who wish to take advantage of this provision and file H-1B petitions should act immediately.



This policy will be particularly helpful to F-1 students who have Optional Practical Training which expires prior to October 1, 2005.

The reason for this change is likely because USCIS has already approved 20,000 H-1B work permits for individuals who hold U.S. Master's degrees in FY 2005. Therefore, USCIS can comply with the law which requires that 20,000 H-1B work permits be set aside for individuals who hold U.S. Master's degrees.

Going forward on an annual basis, an additional 20,000 H-1B work permits will be available for persons who hold a Master's degree or higher awarded by a United States college or university. This allotment of H-1B work permits is in addition to

the 65,000 H-1B work permits that are available each fiscal year. The 2005 fiscal year cap was initially reached as of the first day of the current fiscal year -- October 1, 2004. However, this pronouncement by USCIS provides additional H-1B work permits for this fiscal year.

Seyfarth Shaw's Business Immigration Group provides periodic information alerts about noteworthy developments in the business immigration field. The information that we provide is of a general nature and should not be interpreted as legal advice applicable to a specific factual situation. If you have questions about the information contained in this Immigration Alert or would like to know more about Seyfarth Shaw's Business Immigration Group and our inbound and outbound visa processing capabilities, please visit our website, www.immstar.com, or contact one of the Business Immigration Group Partners: Jim King (jking@seymfarth.com) in Atlanta; Russell Swapp (rswapp@seymfarth.com) or Dyann DelVecchio (ddelvecchio@seymfarth.com) in Boston; Ric Fischer (Rfischer@seymfarth.com) in Chicago; or Cris Weals (cweals@seymfarth.com) in DC. If you would like to receive our Immigration Alerts, please contact Sarah Compton via e-mail at scompton@seymfarth.com. Thank you.



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