



IMMIGRATION ALERT!

USCIS Announces that H-1B Cap has been Reached

U.S. Citizenship and Immigration Services (“USCIS”) announced late yesterday that it has received enough H-1B petitions to meet the annual “cap” of 65,000. As of today, USCIS will not accept any new H-1B petitions for first-time H-1B employment subject to the FY 2004 annual cap. The USCIS fiscal year ends on September 30, 2004.

USCIS made the following announcements related to the H-1B cap:

- USCIS will process all H-1B petitions filed for first-time employment received by the end of business yesterday, February 17, 2004.
- USCIS will return H-1B petitions, with filing fees, for first-time employment subject to the annual cap received after February 17.
- Petitions for new H-1B employment (which can have an effective date no earlier than October 1, 2004) will not be accepted until April 1, 2004.

Please note that petitions for current H-1B workers do not count towards the H-1B cap. Therefore, H-1B extensions and H-1B “transfer” petitions will still be accepted and adjudicated by USCIS.

Seyfarth Shaw’s Business Immigration Group provides periodic Immigration 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 contact either of our co-chairs: Jim King in Atlanta at jking@seyfarth.com or Russell Swapp in Boston at rswapp@seyfarth.com. If you would like to receive notice about future Immigration Alerts, please go to the navigation bar and click “Subscribe” under the Immigration Updates section.