



IMMIGRATION ALERT



H-1B Visa Numbers Reaching the Limit

Background

There is an annual limit on the number of H-1B petitions that can be approved during the government's 2005 fiscal year (beginning October 1, 2004 and ending September 30, 2005). The H-1B cap for fiscal year 2005 is 65,000 (of which about 6,800 are reserved for nationals of Chile and Singapore under Free Trade Agreements with those countries). Certain foreign nationals who hold or have held H-1B status and employees of certain institutions of higher education and non-profit and government research organizations are not subject to the cap. For additional information about the cap exemptions, visit www.immstar.com, click "Immigration Updates," and choose "Immigration News," then view "Managing the H-1B Cap."

Current Status

The United States Citizenship and Immigration Services ("USCIS") announced last week that as of August 4, 2004, it had received approximately 40,000 H-1B visa petitions that are counted against the 2005 annual limit. Taking into account the 6,800 visa petitions set aside under the Free Trade Agreements, as of August 4 there were fewer than 18,000 H visa numbers remaining until October 1, 2005 (at which time a new annual limit becomes effective). If the current pace of H-1B filings remains steady, the H-1B numbers would be exhausted within the next few weeks; an accelerated filing pace (perhaps precipitated by this news) would of course exhaust the available numbers earlier. For additional information on the H-1B cap, visit www.immstar.com, click "Immigration Updates," and choose "Immigration News," then view "One Fourth of FY 2005 H-1B Visas Depleted."



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