



# IMMIGRATION ALERTS

EPSTEIN BECKER & GREEN, P.C.

**April 3, 2007**

## **H-1B Alert: Quota Reached On First Day Petitions Accepted for FY 2008**

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USCIS announced today that it received more applications than the Congressionally mandated 65,000 limit on April 2, 2007. This clearly demonstrates the inadequacy of the quota for specialized H-1B professionals and their employers. USCIS will use a computer generated random selection process for all cap-subject filings received on April 2, 2007. USCIS will reject and return along with filing fee(s) all petitions received on those days that are not randomly selected. In light of the high volume of filings, USCIS will not be able to conduct the random selection for several weeks.

Absent Comprehensive Immigration Reform addressing this pressing problem, Petitioners whose H-1B petitions are not included in this year's quota will have to wait until April 1, 2008 to reapply for the FY 2009 allotment of H-1B visas. This is the earliest date for which an employer may file a petition requesting FY 2009 H-1B employment with a start date of October 1, 2008.

As many of you know, the first 20,000 H-1B petitions filed on behalf of foreign nationals with masters or higher degrees from accredited American universities are exempt from the fiscal year cap on otherwise available H-1B visas. The USCIS does not yet know how many of these petitions it has received. The USCIS will make an announcement regarding the "final receipt date" for these petitions in the near future.

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