



April 11, 2008

**Special Immigration Alert:
USCIS Issues Preliminary Count of FY 2009 H-1B Cap Filings**

On April 10, 2008, the U.S. Citizenship and Immigration Services (“USCIS”) announced its preliminary count of new H-1B petitions received against the FY 2009 quota. This quota allows 65,000 under the general H-1B category and 20,000 under U.S. advanced degree exemption. The USCIS reports receiving approximately 163,000 H-1B petitions, including over 31,200 petitions for the advanced degree category.

The USCIS expects to commence the computer-generated random selection process next week. According to its March 24, 2008 interim final rule, the USCIS will begin by selecting 20,000 petitions under the advanced degree exemption. The advanced degree petitions that are not selected then will be included in the random selection process for the general 65,000 quota.

After completing the random selection process, the USCIS will return the petitions and filing fees for all cap-subject cases not selected unless these petitions are found to be duplicates. USCIS will deal with duplicate filings pursuant to the March 24 interim final rule, which directs that all duplicate filings be rejected unless they fit narrowly defined exceptions.

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IMMIGRATION ALERTS

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