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Immigration Alert:

H-1B Filings for 2007 Show Cap Will Soon Be Reached

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USCIS has announced that as of May 16, 2006, it has received 39,455 H-1B petitions subject to the FY 2007 cap, approximately 65% of the total allowed. Fewer than 22,000 more H-1B petition filings will be allowed for the year, which begins October 1, 2006.

H-1B petition filings for 2007 began on April 1, 2006. USCIS received almost two thirds the full quota for the year in just over 6 weeks. At this rate, we expect the cap to be reached in 2-3 weeks at best. Therefore, if you have an employee or prospective employee who will need a new grant of H-1B status, it is extremely urgent to start the petition process immediately.

USCIS has also announced that just over 5,000 H-1B petitions have been filed out of the 20,000 available for foreign nationals who hold an advanced degree from a US institution. To monitor H-1B cap usage statistics, please go to http://www.uscis.gov/graphics/services/tempbenefits/cap.htm.

There is some good news to report. The Comprehensive Immigration Reform legislation (S. 2611) being considered in the U.S. Senate this week would raise the H-1B cap to 115,000, if it is enacted before the start of the year in October. Click here for our previous update describing employment based immigration reforms contained in the bill, and watch the news for final Senate action.

If you have any questions, or to begin an H-1B petition process for a prospective or current employee please contact a member of the Foley Hoag LLP Immigration Practice Group.

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