

April 8, 2009

IT MAY NOT BE TOO LATE TO FILE H-1B PETITIONS

As predicted in our previous Immigration News Updates, there has been a sharp reduction in the number of H-1B petitions filed. Today, USCIS announced it continues to accept H-1B visa petitions despite the previously established April 7 deadline. In previous years, if a petition was received after the cut-off date, it would be rejected and not be eligible for the subsequent lottery for H-1B visa numbers reserved for those who filed during the mail-in period. You may be wondering what does all this mean?

First, this is potentially great news for those who filed during the April 1 - April 7 period, as they will probably all receive one of the allotted 65,000 H-1B visa numbers as long as their petitions are subsequently approved by USCIS.

It also may create an opportunity for those who failed to file during the initial mail-in period to file their petitions now. These would include:

- a. very recent graduates who couldn't prove they qualified because they had not completed their educational requirements;
- b. those who had sponsoring employers who at the last minute withdrew their offers (very often for TARP related reasons); or
- c. those who for personal reasons couldn't file their petitions on time but now are able to do so

This news is also especially good for those with U.S. Master's Degrees as a separate quota of 20,000 numbers was created especially for them. This quota may remain open for a significant period of time likely providing those with U.S.

Masters Degrees several weeks or months additional time to file their petitions.

It is also possible that we are being too optimistic and that the numbers will be used up very shortly. We will keep you advised as we will monitor the situation closely and as soon as additional information is received, we will issue another Immigration News Updates.

NEW I-9 EMPLOYER VERIFICATION FORM

Beginning April 3, 2009, employers must use the new Form I-9 (revision date 2/2/09) to verify or reverify the employment eligibility for their employees. There are also some new rules regarding acceptable documents. To learn more about this and to obtain a copy of the new form, please visit the government's website. www.uscis.gov