

Tuesday, April 3, 2007

Immigration Update: The H-1B “cap” of 65,000 Petitions Was Reached on Day One

By Nancy-Jo Merritt

The U.S. Citizenship and Immigration Service [USCIS] reported today that on April 2nd, it received over 150,000 cap-subject H-1B petitions at the Vermont and California Service Centers. As it announced in preliminary regulations, treating April 2nd as the "final receipt date," USCIS will subject all cap-subject H-1B petitions received on **April 2nd and 3rd** to a "computer-generated random selection" process to select the lucky 65,000. The number of "Master's Cap" cases is unknown at this point, and the "final receipt date" for those petitions will be announced later.

Because of the high volume of filings, USCIS stated that it will not be able to conduct the "lottery" process for several weeks, due to the time needed to perform initial data entry for the cases received on April 2nd and 3rd.

We will let you know as we receive any additional information regarding the progress of the "lottery" process, and of course any information regarding the effect on your petitions.

If the 65,000 cap on H-1B work authorization is detrimental to your business operations, you may wish to contact your Congressional representatives.

Nancy-Jo Merritt focuses her practice in immigration law and has nearly three decades of experience representing domestic and international companies with issues concerning foreign national employees and business immigration matters. She provides strategic counseling to clients and assists employers in developing compliance programs. She earned her B.A., (1964) M.A., (1974) J.D., (1978) from Arizona State University.



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