

# Issues & Answers

## IMMIGRATION ALERT

### *H-1B Petition Numbers Have Reached Cap*

*By Nancy-Jo Merritt*

Beginning last October 1st, the 2004 fiscal year limit on initial H-1B petitions was reduced from 195,000 to 65,000 (only first-time H-1B petitions are counted against the cap; extensions or change of employer petitions are not included). In a recent Alert, we warned of the decreasing number of available H-1B petition numbers. Yesterday, we received this notice from the American Immigration Lawyers' Association (AILA):

"Reliable sources have indicated that enough cap-subject H-1Bs have been approved or are in the pipeline to reach the cap for this fiscal year, and that a notice cutting off cap-subject H-1B filings is imminent. Details will be forthcoming as AILA obtains them."

This is not unexpected, but it is certainly the earliest loss of H-1B numbers ever. Only Congress can provide a real solution, but we will assist you in working out alternative routes to work authorization and maintenance of status for your affected employees with a case-by-case analysis.

### *Contacts*

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