

# BUSINESS IMMIGRATION ALERT

*A complimentary service of the McCandlish Holton Immigration Practice Group*

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## **Update on H-1B Availability: Quota Numbers Still Available for University Grads**

As of May 6, 2010, U.S. Citizenship & Immigration Services ("USCIS") had received approximately 7,600 petitions toward the 20,000 "advanced degree" H-1B quota (which is reserved for applicants with a U.S. advanced degree); and approximately 18,000 H-1B petitions toward the "regular" H-1B quota of 65,000 (reserved for all other applicants with a bachelors degree or higher, whether obtained in the U.S. or abroad).

The popular H-1B visa category is available to job seekers with an offer of employment in a position that requires at least a university degree to perform, and where the foreign worker holds a U.S. degree or the foreign equivalent in a field related to the position. To secure an H-1B number, an employer must file an H-1B petition with USCIS before the quota is reached. Once the quotas are exhausted, there will be no more new H-1B numbers available until October 1, 2011. It is important to note that some employers are exempt from the quotas, as are most workers who already hold H-1B nonimmigrant status.

As universities hold spring graduations, many international students will be filing for H-1B status, so employers and graduating students should expect available numbers to be reduced in the coming weeks. If you need assistance with an H-1B filing, please contact one of the McCandlish Holton immigration attorneys listed below.

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