

Immigration Law Alert

March 19, 2008

Employer Immigration Alert—H-1B Visas

Employers—please note that all petitions for new H-1B visas should be filed with the U.S. Citizenship and Immigration Service (“USCIS”) on APRIL 1, 2008 to ensure that they have a chance of being adjudicated. As you know, the U.S. government limits the number of new H-1B visas for professionals to 65,000 each year, with limited exceptions. Last year, 124,000 H-1B petitions were received between April 1 and April 3, forcing USCIS to develop a lottery selection process to determine which petitions would be adjudicated. This year’s demand is expected to be similarly high, and the entire year’s supply of H-1B visas is expected to be exhausted on April 1—the first day that petitions may be filed for the 2009 Fiscal Year. If an employer misses the opportunity to petition for a prospective employee this year, the earliest it may employ that person in H-1B status will be October 1, 2009. On March 19, 2008 USCIS issued an interim final rule that prohibits employers from filing multiple H-1B petitions for the same employee. This new rule is designed to ensure that companies filing H-1B petitions have an equal chance of having their petition selected in the lottery process. Please note that in some limited circumstances, related entities may be permitted to file more than one petition on behalf of the same employee.

Please contact your Vedder Price attorney to answer your immigration questions and ensure that we are able to despatch your H-1B petitions on March 31, 2008 in time to meet the April 1 deadline.

VEDDER PRICE P.C.

About Vedder Price

Vedder Price P.C. is a national, full-service law firm with over 250 attorneys in Chicago, New York, Washington, D.C. and New Jersey.

The Vedder Price Business Immigration Group

U.S. companies—whether large or small—increasingly hire employees from around the globe. The search for talent within industries such as financial services, biomedical, high-tech, pharmaceutical, automotive, engineering and other key sectors of the U.S. economy is relentless in its intensity. In response to the needs of companies to manage their internationally mobile workforce, the law firm of Vedder Price has created a Business Immigration Practice Group, designed specifically to serve the immigration law and compliance needs of companies throughout the country. In addition, the firm provides counsel and assistance with respect to all types of employment-related immigrant and nonimmigrant visa categories.

The *Immigration Law Alert* is published periodically by the law firm of Vedder Price P.C. It is intended to keep our clients and interested parties generally informed on developments in the business immigration industry. It is not a substitute for professional advice. For purposes of the New York State Bar Rules, this bulletin may be considered ATTORNEY ADVERTISING. Prior results do not guarantee a similar outcome.

Specific services include:

- Determining and applying for the most appropriate visa categories for individuals who intend to stay temporarily in the United States for employment or other business-related reasons.
- Preparation and processing of permanent resident visas for executives and other professional employees.
- Due diligence regarding immigration law issues in corporate mergers, acquisitions, divestitures and other forms of corporate reorganization.
- Counseling employers regarding compliance with immigration laws (IRCA) in order to avoid civil and criminal penalties.
- Assisting in processing visa applications and resolving other State Department matters in U.S. embassies and consulates around the world.
- Assisting employers with their non-U.S. immigration needs through our network of attorneys licensed in other countries.

Business Immigration Group Chair:

Gabrielle M. Buckley 312-609-7626

gbuckley@vedderprice.com

© Copyright 2008 Vedder Price P.C. Reproduction of this bulletin is permitted only with credit to Vedder Price. For additional copies or an electronic copy of this bulletin, please contact us at info@vedderprice.com.

Chicago

222 North LaSalle Street
Chicago, Illinois 60601
312-609-7500
Fax: 312-609-5005
Contact: Gabrielle M. Buckley

New York

1633 Broadway, 47th Floor
New York, New York 10019
212-407-7700
Fax: 212-407-7799
Contact: Neal I. Korval

Washington, D.C.

875 15th Street NW, Suite 725
Washington, D.C. 20005
202-312-3320
Fax: 202-312-3322
Contact: Theresa M. Peyton

New Jersey

Five Becker Farm Road
Roseland, New Jersey 07068
973-597-1100
Fax: 973-597-9607
Contact: John E. Bradley