

# Business Immigration Alert

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## Time to File H-1B Visa Petitions!

On April 1, 2010, the United States Citizenship and Immigration Services (USCIS) will begin accepting new H-1B visa applications for employment that will begin on October 1, 2010. The H-1B visa is a popular choice for companies planning to hire a foreign worker to fill a “professional” or “specialty occupation” position requiring a minimum of a bachelor’s degree or the equivalent.

There are 65,000 H-1B visas available each year in addition to 20,000 H-1B visas reserved for holders of U.S. master’s degrees or higher. Although USCIS reached the quota in the first week of filing in previous years, the quota this past year was not filled until December 2009. However, we anticipate that the H-1B visa numbers will be filled more quickly this year as the economy starts to recover. Consequently, an April 1 target date for filing H-1B petitions will increase your chances of obtaining one of the H-1B visa numbers.

To meet a target filing date of April 1, we recommend that you start the application process now. Unlike previous years, there is no longer the possibility of one-day approval from the U.S. Department of Labor (DOL) for Labor Condition Applications—which are required in order to file the H-1B petition with USCIS. The DOL is generally taking seven days to process Labor Condition Applications, and we expect this processing time to increase as employers prepare to file H-1B petitions.

Possible candidates for H-1B visas include current employees or potential new hires now working in student (F-1 or J-1) status whose employment authorization will expire before October 2011.

Please contact your Vedder Price attorney or a member of our Business Immigration Practice Group should you have any questions regarding this issue.

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Vedder Price P.C. is a national business-oriented law firm with more than 260 attorneys in Chicago, New York and Washington, D.C.

**The Vedder Price Business Immigration Group**

Vedder Price provides a full range of business immigration services. Building on the firm's expertise in corporate compliance and best practices, we work with clients to develop policies and internal processes to ensure compliance with federal and state-level immigration laws and minimize exposure to civil and criminal immigration enforcement. We provide proactive advice to best position a company and its workforce before and after corporate changes, including acquisitions, mergers, divestitures and reorganizations. The firm assists clients in obtaining temporary and permanent immigration status for their executive, managerial and professional employees in virtually every visa category. Together with the firm's tax, benefits, executive compensation, estate planning and employment lawyers, we help clients develop and serve their global workforce.

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