



H-1B VISA NUMBERS STILL AVAILABLE FOR FISCAL YEAR (FY) 2011

According to the United States Citizenship and Immigration Services' ("USCIS") most recent update, provided on June 25, 2010, USCIS has received approximately 23,500 H-1B petitions subject to the 65,000 annual cap. Additionally, USCIS has received approximately 10,000 petitions for foreign workers with advanced degrees, (Master's degrees or higher) from U.S. institutions, subject to the 20,000 annual cap. **Thus, USCIS will continue to accept H-1B petitions until the annual quota for each is reached. Employers who still have a need for new H-1B workers to commence work on October 1, 2010 should consult with immigration counsel as soon as possible in order to take advantage of the H-1B numbers while they are still available and to carefully analyze those circumstances in which cap exemptions might be claimed.**

Exemptions from the annual quota cap may apply in instances of: requests for extensions of stay for current H-1B workers; amendments to H-1B petitions requesting a change in the terms of employment for current H-1B workers; and change of employer petitions for individuals already in H-1B status. In addition, petitions for new H-1B employment are not subject to the annual cap if the foreign professional will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or a governmental research organization.

The H-1B visa classification is for temporary employment of foreign professionals in specialty occupations, including but not limited to, information technology professionals, business analysts, financial managers, engineers, architects, and allied health professionals such as physical therapists, as well as fashion models.

USCIS will continue to provide updates as the processing of H-1B petitions continues.

For more information, please click on the following link:

[USCIS Updates Count of FY2011 H-1B Petition Filings](#)

Should you wish to receive further information concerning matters discussed in the Immigration Bulletin, please contact:

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