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The U.S. Citizenship and Immigration Services (USCIS) announced on May 11, 2010 that so far it received 18,000 H-1B Regular Cap cases against the 65,000 cap amount and 7,600 H-1B Master's Exemption cases against the 20,000 cap amount.

Fiscal year 2011 starts on October 1, 2010. The USCIS this year allowed the submission of petition for H-1B workers with the October 1, 2010 employment date on April 1, 2010. This means that there are still plenty of H-1B numbers available for employers who are in a need of highly skilled workers. The H-1B nonimmigrant visa category permits the admission of professionals and "specialists" to be employed in the United States. An H-1B petition may be valid initially for up to three years, and a three-year extension is commonly granted. Extension beyond six years is permitted in certain circumstances for foreign nationals applying for permanent resident status. There is annual limit or cap of available H-1B visas per year at 65,000 H-1B visas per year less the Free Trade Visas for Chile and Singapore. There is also a category established with a separate cap number calculation for "foreign workers who have earned a master's degree or higher from a U.S. institution of higher education" with 20,000 H-1Bs per year available for qualifying workers in this category.

As in previous years H-1B cases for fiscal year 2011, which starts on October 1, 2010 (with an employment start date of October 1, 2010) may be pre-filed by employers on behalf of their employees starting April 1, 2010. This is to ensure that H-1B visa numbers will be available to the prospective H-1B employees come the start of the fiscal year 2011 on October 1, 2010.

The base filing fee to sponsor and H-1B employee is \$320, with a \$500 Fraud Prevention and Detection fee for each initial H-1B employee. The additional required H-1B fees depend on the size of the petitioning organization. There is an additional fee required under the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) and it is \$750 for company's who have not more than 25 full-time employees, while it is \$1,500 for company's with 26 or more full-time employees, unless the employer is exempt. An employer may pay an additional \$1,000 fee for Premium Processing of their petition. Under the Premium Processing Service, USCIS guarantees petitioners that, for a \$1,000 processing fee, it will issue either an approval notice, or where appropriate, a notice of intent to deny, a request for evidence within 15 calendar days of receipt. If the petition is not processed within 15 calendar days, USCIS will refund the \$1,000 fee and continue to process the request as part of the Premium Processing Service. In addition to faster processing, petitioners who participate in the program may use a dedicated phone number and e-mail address to check on the status of their petition or ask any other questions they may have concerning their petition.

LAW OFFICES OF ADRIEN MEDVEI

Page 2 of 2

The current cap standings are good news for those employers who are in a need of professionals and “specialists” to be employed in the United States in the H-1B category.

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