Employment Edge 81st Edition (Immigration Issue) - Start your Petitions: Plan to file your new H-1B Visa Petitions on April 1, 2008

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- **Start your Petitions: Plan to file your new H-1B Visa Petitions on April 1, 2008**

The arrival of the new year brings us that much closer to the arrival of the H-1B work visa filing period. The H-1B is a nonimmigrant visa category that allows U.S. employers to hire skilled foreign workers for temporary employment for an initial period of three years. There is currently a Congressionally-mandated cap of 65,000 on the number of new H-1B visas that can be granted for the new fiscal year that starts on October 1, 2008.* The filing period to petition for a new H-1B visa opens on April 1, 2008.

Last year, by the second open filing day the Citizenship and Immigration Services had received more than twice as many applications as there were spots available, leading to less than half of the applications being accepted for processing. It is all but certain that this year will have the same result, showing that advance planning and a little luck is required to obtain an H-1B visa.

Employers should carefully evaluate their needs and expectations regarding hiring foreign nationals within the next year. Now is the time for employers who anticipate needing to hire one or more skilled foreign nationals this year to begin the petitioning process.

If you would like assistance with filing an H-1B visa petition or have questions about other immigration-related matters, please call Mark Mathison, Casey Nolan, or another member of the Gray Plant Mooty Employment Law Practice Group.

*Many employers find that the H-1B visa cap of 65,000 is woefully inadequate to allow them to meet their needs to fill open positions with qualified foreign professionals and puts them at a competitive disadvantage. For information on how you can contact your congressional representative to advocate for an increase in the visa cap, please visit: http://capwiz.com/aila2/home/.

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