

H-1B Visa Cap

August 23, 2004

U.S. CIS announced that as of August 4, 2004, it had received 40,000 cap-subject H-1B visa petitions subject to the fiscal year 2005 cap. Of those, 21,000 have been approved; the rest are in the pipeline. This means that H-1B numbers for fiscal year 2005, including numbers in the pipeline, may be very near to being fully reached.

The effective cap is 58,200 because of the H-1 category created under the Chile/Singapore Free Trade Agreements. The leftover Chile/Singapore numbers from fiscal year 2004 will be added back into the fiscal 2005 limit, but not until October 1, 2004, and they will all have to be adjudicated before November 15, 2004. It is generally believed that very few Chile/Singapore numbers have been used in fiscal year 2004, but there is no exact count yet.

We encourage you to contact our office *immediately* if you are contemplating a new hire who requires an H-1B visa.

For more information about this, or other U.S. immigration issues, please contact our Miller Canfield Immigration Practice . This message is for general information only and should not be used as a basis for specific action without obtaining further legal advice.