

## **H-1B VISAS FOR FISCAL YEAR 2011**

Once again, “H-1B Season” is upon us. The purpose of this email is to update you with respect to the availability and process for obtaining H-1B visa status for the coming Fiscal Year 2011. With this information, we hope to assist you in developing a strategy for the hiring of specialty occupation and “high-tech” workers for the coming year.

Although FY2011 will bring with it a fresh allocation of H-1B visa numbers effective October 1, 2010, trends over past years have proven U.S. employers’ demand for top talent greatly outstrips the supply each year. Thus, it is prudent to file for your H-1B workers as early as legally permitted: **April 1, 2010**.

The annual supply of H-1B visa numbers breaks down as follows:

- 20,000 are available for holders of “advanced degrees” (U.S. Master’s degrees or higher);
- 65,000 are available for foreign nationals with a bachelor’s degree (or equivalent) in the field of employment. Of this pool, 6,800 numbers are set aside professionals of Chile and Singapore under a free trade agreement with those countries.

Even in 2009, a year of tremendous economic downturn, employers in the United States still used all H-1B visa numbers available under the law (*i.e.*, “hit the cap”) in only a few months; April for advanced degree cases and December for the rest. In years prior, employers hit the cap of available H-1B visa numbers in as little as one day. Therefore, it is prudent to *act now and file early*.

Operating under the assumption that this year is showing economic improvement over last year, we can expect H-1B visa numbers to become exhausted somewhat faster in FY2010. Accordingly, we are prepared to draft and file H-1B cases in April 1, 2010 out of an abundance of caution. Even if your organization is not prepared to file that soon, the Law Offices of Brian J. Halliday, Inc. encourages our clients and friends who are interested in pursuing H-1B cases this year to move on your cases as quickly as possible.

If your organization is considering hiring any new H-1B employees, including those in other categories like F-1 students working pursuant to Optional Practical Training, J-1 exchange visitors, or Free Trade professionals (TNs, H-1B1s or E-3s) who plan to pursue green cards, contact our office to discuss and initiate the process.

Regards,  
Brian J. Halliday