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APRIL 11, 2007

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www.mintz.com

One Financial Center
Boston, Massachusetts 02111
617 542 6000
617 542 2241 fax

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202 434 7300
202 434 7400 fax

666 Third Avenue
New York, New York 10017
212 935 3000
212 983 3115 fax

707 Summer Street
Stamford, Connecticut 06901
203 658 1700

Update on H-1B Cap: U.S. Masters H-1B Numbers Still Available

As we notified our clients last week, U.S. Citizenship and Immigration Services (USCIS) has announced that it has received enough H-1B petitions as of April 3rd to completely deplete all 58,200 H-1B visas available for FY 2008, which begins on October 1, 2007.

In addition to the 58,200 H-1B visas available, an additional 20,000 H-1B visas are available to those individuals possessing at least a master's degree (or higher) from a U.S. college or university. USCIS announced today that a total of 12,989 cases qualifying for these H-1B visas were received on April 2nd and 3rd. Therefore, USCIS has affirmatively declared that the cap on these U.S. master's degree H-1B cases remains open, and employers may continue to file petitions fitting this criteria until the 20,000 cap is reached.

Additionally, USCIS has announced that 119,193 of the H-1B petitions received on April 2nd and April 3rd are subject to the H-1B cap for FY 2008. As USCIS has made clear in previous updates, these petitions will be subjected to a computer-generated random-selection lottery. No update has been posted as to when and how that lottery will be conducted.

USCIS has made it clear that those H-1B cases filed on April 2nd and 3rd using Premium Processing will *not* receive preferential treatment in the lottery. Moreover, USCIS has indicated that the 15-day processing window will not commence for cap-subject H-1B visa petitions filed on those two days until the random-selection lottery has been completed.

We will continue to keep you abreast of the latest information as it becomes available.

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203 658 1701 fax

1620 26th Street
Santa Monica, California 90404
310 586 3200
310 586 3202 fax

1400 Page Mill Road
Palo Alto, California 94304
650 251 7700
650 251 7739 fax

9255 Towne Centre Drive
San Diego, California 92121
858 320 3000
858 320 3001 fax

The Rectory
9 Ironmonger Lane
London EC2V 8EY England
+44 (0) 20 7726 4000
+44 (0) 20 7726 0055 fax

*If you would like more information on any immigration
matter, please contact your immigration attorney
at Mintz Levin or go to www.mintz.com.*

Susan Cohen
617.348.4468 | SCohen@mintz.com

Jeffrey Goldman
617.348.3025 | JGoldman@mintz.com

Reena Thadhani
617.348.3091 | RThadhani@mintz.com

William Coffman
617.348.1890 | WCoffman@mintz.com

Brian J. Coughlin
617. 348.1685 | BJCoughlin@Mintz.com

Lorne Fienberg
617.348.3010 | LFienberg@mintz.com

Marisa Howe
617.348.1761 | MHowe@mintz.com

Daniel Maranci
617.348.1885 | DMaranci@mintz.com

Timothy Rempe
617.348.1621 | TRempe@mintz.com

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