



Public Notice

May 24, 2005

USCIS ANNOUNCES UPDATE REGARDING NEW H-1B EXEMPTIONS

Numbers Reflect Cases Received As Of May 20, 2005

Washington, D.C.— U.S. Citizenship and Immigration Services (USCIS) announced today that it has received more than 6,393 H-1B petitions that will count against the Congressionally-mandated exemption cap for fiscal year 2005 (October 1, 2004 through September 30, 2005) established by the H-1B Visa Reform Act of 2004.

The new regulations, which took effect on May 5, 2005, changed the H-1B filing procedures for FY 2005 and for future fiscal years. The regulations make available 20,000 new H-1B visas, only for foreign workers with a minimum master's level degree from a U.S. academic institution, in addition to the Congressionally mandated annual cap of 65,000 H-1B visas.

Established by the Immigration and Nationality Act (INA) of 1990, the H-1B visa category allows U.S. employers to augment the existing labor force with highly skilled temporary workers. H-1B workers are admitted to the United States for an initial period of three years, which may be extended for an additional three years. Typical H-1B occupations include architects, engineers, computer programmers, accountants, doctors and college professors.

The H-1B visa program is utilized by some U.S. businesses to employ foreign workers in specialty occupations that require theoretical or technical expertise in a specialized field, such as scientists, engineers, or computer programmers. Congress created the H-1 B program more than fifty years ago and established an annual cap of 65,000 in 1990.

As part of the H-1B program, the Department of Homeland Security (DHS) requires U.S. employers to meet specific labor conditions to ensure that American workers are not adversely impacted, while the Department of Labor's Wage and Hour Division safeguards the treatment and compensation of H-1B workers.

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On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.