

COMMUNITY JOURNAL

YOUR IMMIGRATION SOLUTION



ATTY. ROBERT REEVES & JOSEPH I. ELIAS

Prepare those H-1Bs now

ceived in a random lottery to be adjudicated for one of the H-1B visa numbers.

If I get an October 1, 2009 start date will I be able to remain in the US legally?

You will only be able to remain in the US if you maintain legal status until October 1, 2009. For example if you entered as a tourist and your I-94 card said your status was valid until October 1, 2009 or later, you would be able to remain in the US you will not be allowed to work until October 1, 2009 and only if you are granted a

by the same employer or even a new employer, that employee is not subject to the cap.

I am not in H-1B status now. There is an employer who is willing to sponsor me. What should I do with the cap end approaching?

You should begin processing the H-1B petition as soon as possible. The longer you delay, it becomes less likely that you will receive an H-1B visa.

Those who require H-1B petitions must prepare right now to ensure that they are on track for an early filing. In all likelihood,

“Last year, due to excessive demand, the United States Citizenship and Immigration Services (USCIS) only accepted H-1B petitions for the first five business days of April. Until Congress acts to increase the quota, employers and H-1B workers will have to scramble for the visa numbers as soon as they become available.”

Change of Status.

For students who are changing to H-1B status, the situation may be different. In the past the INS passed a regulation allowing students who just graduated to remain in the US and start working on October 1. It is unknown if the USCIS will provide the same benefit this time.

I am in H-1B status now and I have filed an extension or I will be filing an extension. Will I be in danger of missing the cap? Will I go out of status?

No. The H-1B cap only applies to new H-1B petitions. If an employee is already in H-1B status and is being petitioned

there will be no opportunity for a late filing.

Atty. Reeves has represented clients in numerous landmark immigration cases that have set new policies regarding INS action and immigrants' rights. His offices are located in Pasadena, San Francisco, Las Vegas and Makati City.

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The analysis and suggestions offered in this column do not create a lawyer-client relationship and are not a substitute for the personalized representation that is essential to every case.

(Advertising Supplement)

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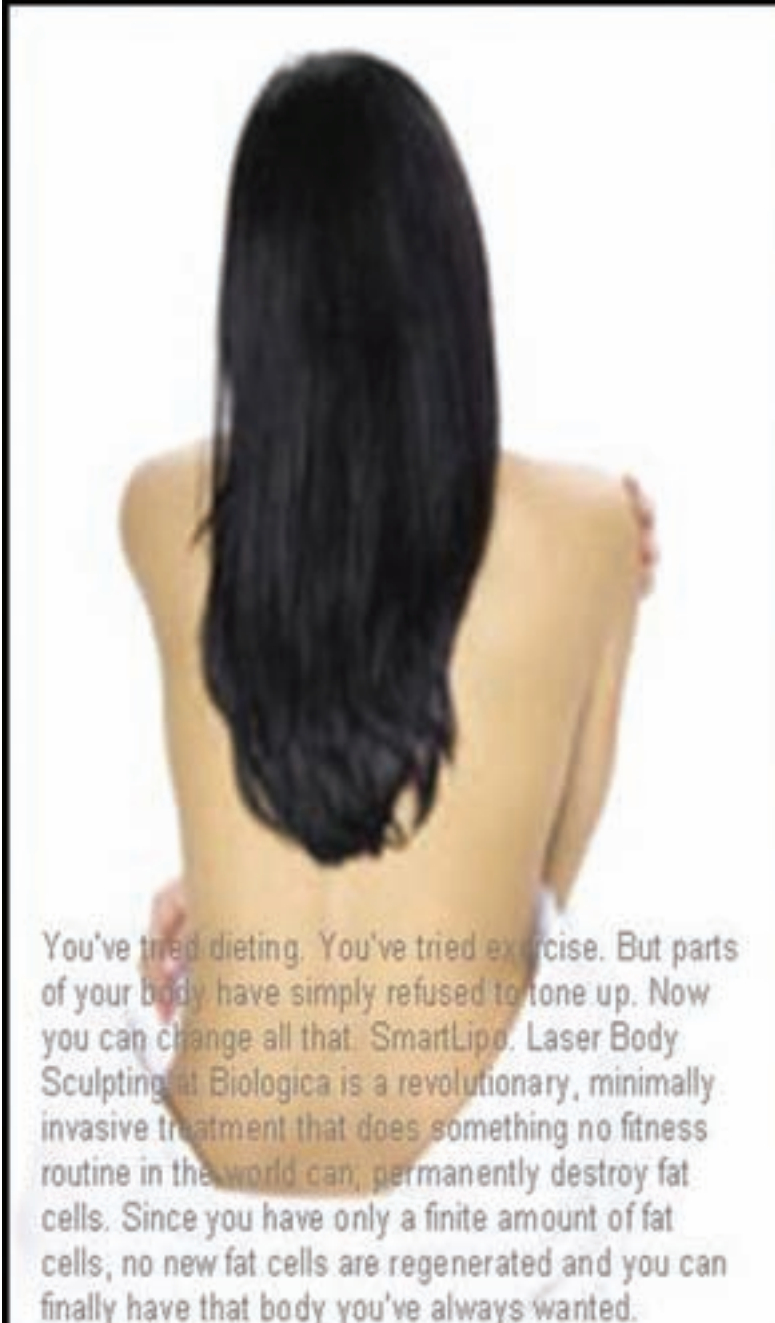
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