



Immigration Update

H-1B Petitions

It is the time of year when many of our clients begin to review hiring strategies and methods for the up coming year. For those of you who hire people in the United States, one of the considerations is the viability of the H-1B category.

H-1B Eligibility

A person may file a petition under the *Immigration and Nationality Act* as an individual who is coming to perform services in a specialty occupation. Such a person must be "clearly professional." This means that s/he must possess either a baccalaureate degree, have amassed the equivalent employment experience or a combination of the two. An individual who is "clearly professional" includes for example, accountants, lawyers, doctors, engineers, management consultants and systems analysts. This list is not exhaustive. Before filing a petition for an H-1B applicant, the United States employer must obtain approval of a labour condition application from the Department of Labor in the occupational specialty in which s/he will be employed.

H-1B Availability / "The Cap"

There are only 65,000 H-1Bs available each fiscal year. As there is an extremely limited number available they are used up very quickly. Last year, all 65,000 H-1Bs were issued by May 26th, 2006.

H-1B Timing

Petitions for H-1B status can only be submitted to the US Service Centers for processing on April 1, 2007. Do note, however, that the earliest available start date is October 1, 2007. As you can see from the figures provided above, it took less than two months for the 2006 allotment of H-1Bs to be issued.

For More Details....

Please contact your immigration lawyer at Guberman, Garson, Bush should you wish to discuss H-1Bs or any other immigration matters.

Additional Information

Please contact your Guberman, Garson, Bush representative.
Tel: (416) 363-1234, Fax: (416)363-8760 Email: immlaw@ggbilaw.com
130 Adelaide Street West, Suite 1920
Toronto, Ontario M5H 3P5

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