

April 13, 2007

Hello,

IMMIGRATION LAW UPDATE:

H-1B Cap Reached

On April 3, US Citizenship and Immigration Services (USCIS) announced that the H-1B cap for most applicants had been reached. Those applications received on April 2 and 3 will be subject to a computer-generated random lottery. Applications not selected in the lottery will be returned. We expect it to be a few weeks before we learn which applications have been chosen. The most recent information from USCIS indicated that on April 2 and 3, USCIS received 119,193 unique pieces of mail containing H-1B applications subject to the cap (each piece of mail may contain more than one application).

We are hopeful that Congress will take action to increase the number of H-1B visas available. The unavailability of H-1B visas until next year, coupled with a continually growing employment based green card backlog for permanent employees, puts American businesses at a severe disadvantage globally. If these professionals are not permitted to come to, or stay in, the US to share their expertise, they will go to other countries. We encourage you to contact your Congressperson to voice your concern.

H-1B Applicants With A US Master Degree

Generally, there are an additional 20,000 H-1B visas available to applicants who have a US Master degree separate from the 65,000 H-1Bs mentioned above. USCIS reported on April 10th that only 12,989 H-1Bs were received as of April 3 for this category. Once USCIS has received more than 20,000 petitions for candidates with a US Master Degree, there will be a computer generated random lottery to choose the H-1B petitions subject to the cap.

H-1B Applications Filed Under Premium Processing

USCIS has announced the procedure for H-1B applications filed on April 2 and 3 requesting premium processing. For an additional \$1000.00 fee, applicants may request a decision be made on their visa application within 15 days. For applications subject to the H-1B cap, the 15 day premium processing period will begin after the computer-generated random lottery has selected an application for processing.

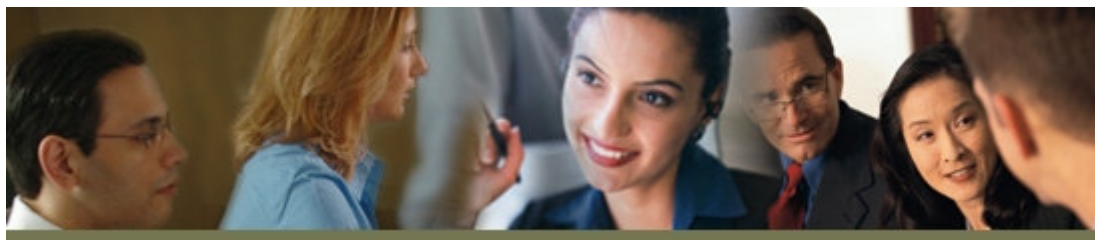
Passport Production

As of January 23, 2007, Americans are required to have a passport for all international air travel, including travel to Canada and Mexico. As a result,

Americans are applying for passports in record numbers. In 2006, the Department of State (DOS) issued 12 million passports. In 2007, DOS estimates that it will issue 17 million US passports. Each month, one million Americans receive passports. Because of this increase, DOS has advised passport applicants that they should allow 10 weeks for standard processing and four weeks for expedited processing. For additional information about applying for a passport, please see our [previous Immigration Update](#).

H-2B Second Half Cap Reached

On March 23, USCIS announced that the second half of the H-2B cap had been reached on March 16 for new H-2B workers seeking employment start dates prior to October 1, 2007. The H-2B visa is a numerically limited visa, with 33,000 available each half of the fiscal year (the government's year runs from October 1 to September 30). It is important to note that foreign nationals who currently hold H-2B status and are either extending and/or amending that H-2B status, or are seeking H-2B status with another employer, are not subject to the cap. H-2B visas are available to foreign nationals who wish to come to the US to perform temporary services or labor for non-professional positions. For more information on H-2B visas, please see the [Clark Hill website](#).



Group Listing

Immigration

<u>Michael P. Nowlan</u> Co-Practice Group Leader	(313) 965-8666
<u>Kelli B. Matthew</u> Co-Practice Group Leader	(313) 965-8576*
<u>Kathleen Jasinski</u>	(313) 965-3457

Employment and Labor Law

<u>Fred W. Batten</u>	(313) 965-8804
<u>Joseph C. Bennett</u>	(248) 988-5850
<u>Thomas P. Brady</u>	(313) 965-8291
<u>Daniel J. Bretz</u>	(313) 965-8356
<u>P. Robert Brown, Jr.</u>	(313) 965-8311
<u>Jennifer S. Buckley</u>	(313) 965-8371
<u>Connie M. Cessante</u>	(313) 965-8329
<u>David M. Cessante</u>	(313) 965-8574
<u>Robert R. Cleary</u>	(313) 965-8379
<u>Stephanie J. Clifford</u>	(313) 965-8368
<u>Paul W. Coughenour</u>	(313) 965-8409
<u>F.R. (Fritz) Damm</u>	(313) 965-8241
<u>Maria Fracassa Dwyer</u>	(248) 988-5899

<u>Kristi Gauthier</u>	(248) 988-5854
<u>John L. Gierak</u>	(248) 988-5845
<u>Danon D. Goodrum</u>	(313) 965-8817
<u>Edward Hammond</u>	(248) 988-1821
<u>David A. Hardesty</u>	(313) 965-8363
<u>Thomas M.J. Hathaway</u>	(313) 965-8233
<u>Mary A. Kalmink</u>	(313) 965-8263
<u>Tracy A. Leahy</u>	(313) 965-8533
<u>Robert A. Lusk</u>	(248) 988-5847
<u>Mark W. McInerney</u>	(313) 965-8383
<u>William A. Moore</u>	(313) 965-8674
<u>John P. Schneider</u>	(616) 608-1108
<u>Rachelle G. Silberberg</u>	(313) 965-8379
<u>Jeffrey A. Steele</u>	(313) 965-8509
<u>Reginald M. Turner</u>	(313) 965-8318
<u>Ann Marie V. Welch</u>	(313) 965-8571

Employee Benefits

<u>Edward C. Hammond</u>	(248) 988-1821
<u>Kristi R. Gauthier</u>	(248) 988-5854

**designates a non-attorney*



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