



IMMIGRATION ALERT

The Immigration Practice of Sidley Austin Brown & Wood LLP

Our Immigration Practice develops a comprehensive and cost effective strategy to address the unique immigration needs of each client. The legal services we offer include assistance in obtaining temporary visas, permanent residence and U.S. citizenship. We also provide employees with immigration advice related to mergers and acquisitions, corporate law, international tax, I-9 compliance and other labor issues affecting the employment of foreign nationals. We routinely represent clients before Citizenship and Immigration Services (formerly Immigration and Naturalization Service), Department of Labor, Department of State and U.S. consular posts worldwide.

To receive future copies of the
Immigration Alert via email, please
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Olsen at dolsen@sidley.com

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CIS Publishes H-1B Cap Provision for F-1 and J-1 Students

On Friday, July 23, 2004, the U.S. Citizenship and Immigration Services (CIS) published a notice in the Federal Register that extends the duration of status of F students and J exchange visitor students who have applied for change of status to H-1B but whose status expires before October 1, 2004. The notice primarily benefits students who are working under Optional Practical Training (OPT) status and whose employment authorization documents (EADs) expire prior to August 1 (for F-1 students) or prior to September 1 (for J-1 students). The notice extends their status if CIS receives a request for change of status to H-1B by Friday, July 30, with a start date of no later than October 1, 2004. This provision allows Fs and Js to stay legally in the United States until October 1, but does not permit them to work until that date unless they have some other independent form of work authorization.

Please contact us immediately if you would like more information regarding an employee in OPT status who may be affected by the notice. If your company wishes to take advantage of this provision, please note that cases must be filed on a rush basis in the next day or two, and that we strongly urge you to file through the expedited Premium Processing program to provide the best opportunity that the case is received in sufficient time.

Please contact any of the attorneys in our group for more information.

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