



SEPTEMBER 8, 2004

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
send your name, company or firm
name and email address to Diane
Olsen at dolsen@sidley.com

This **Immigration Alert** has been prepared by SIDLEY AUSTIN BROWN & WOOD LLP for informational purposes only and does not constitute legal advice. This information is not intended to create, and receipt of it does not constitute, an attorney-client relationship. Readers should not act upon this without seeking professional counsel.

CIS announces 45,900 H-1Bs counted against 2005 cap - In a recent update, Citizenship and Immigration Services (CIS) reported that as of August 18, 2004, the agency has received 45,900 H-1B petitions that will be counted against the annual cap for fiscal year (FY) 2005. The total number available for FY 2005, which begins on October 1, 2004, is 65,000 new H-1B filings, minus 6,800 set aside for the Chile and Singapore Free Trade Agreements. At this time, there are approximately 12,300 new H-1B numbers remaining. While there may be some additional numbers available - as any unused Chile and Singapore H-1B numbers set aside for the current fiscal year will be available for general use for the next fiscal year - the mechanics of that process are not clear at this time.

Based on the current usage, the cap will likely be reached in October 2004, which will leave a gap in availability of H-1B numbers until the beginning of the next fiscal year, which begins on October 1, 2005. Petitions filed for H-1B extensions, amendments and on behalf of J-1 waiver physicians and persons working for certain nonprofit research or educational organizations are not subject to the cap.

If your company has not already done so, we recommend that human resources and recruiting managers review the status of foreign national employees or candidates to identify employees who may need to convert to H-1B status before October 1, 2005. Please contact us immediately if you require assistance with any new H-1B filings.

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

Timothy G. Payne
312.853.7445
tpayne@sidley.com

Marketa Lindt
312.853.7784
mlindt@sidley.com

Catherine M. Paler-Amaya
312.853.7809
cpaleramaya@sidley.com