



**Minsky, McCormick & Hallagan, P.C.**

*A Full-Service Law Firm Dedicated To All Aspects of U.S. Immigration & Nationality Law*

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# CLIENT UPDATE

## H-1B Cap Alert

USCIS has announced that as of December 4, 2009, approximately 61,100 H-1B cap-subject petitions had been filed. USCIS has approved sufficient H-1B petitions for aliens with advanced degrees to meet the exemption of 20,000 from the fiscal year 2010 cap. Any H-1B petitions filed on behalf of an alien with an advanced degree will now count toward the general H-1B cap of 65,000. USCIS will continue to accept both cap-subject petitions and advanced degree petitions until a sufficient number of H-1B petitions have been received to reach the statutory limits, taking into account the fact that some of these petitions may be denied, revoked, or withdrawn. See

(<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=138b6138f898d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=91919c7755cb9010VgnVCM10000045f3d6a1RCRD>).

Please contact your MMH attorney if you are interested in pursuing an H-1B for this fiscal year before the cap is reached. MMH will prioritize all new H-1Bs to maximize the likelihood of your success.

This MMH *Client Update* has been created to provide you with information on the most recent and relevant developments in U.S. immigration-related law, regulations and policy. An MMH *Client Update* is never a substitute for fact specific immigration related legal analysis and guidance. If you have any questions about this MMH *Client Update* and how the information provided might affect your specific circumstances, please contact an MMH Immigration Attorney at [www.mmhpc.com](http://www.mmhpc.com) or (312) 427-6163.

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