



Public Notice

March 24, 2006 (revised)

USCIS ISSUES H-1B FILING GUIDANCE

Employers may begin filing petitions for FY 2007 on April 1st

Washington, D.C.— USCIS will begin accepting filings for the FY2007 H-1B cap on April 1, 2006. In anticipation of this event, USCIS is reminding the public of important regulatory requirements. H-1B petitioners should keep this emphasis in mind as they prepare petitions in order to avoid delays in processing and possible Requests For Evidence (RFE).

8 CFR 214.2(h)(2)(B) requires that petitioners provide a detailed itinerary of the dates and places where work will be performed if those services will be provided in more than one location. For example, a labor contractor or consultant who hires H-1B workers to work at client sites must provide in advance an itinerary with dates and places where the worker will perform that work.

In addition, 8 CFR 214.1(c)(4) requires that an applicant for extension of status have maintained his or her nonimmigrant status. In situations in which an H-1B worker is changing to an employer other than the one for which the initial H-1B petition was approved, USCIS will require that the worker changing employers demonstrate that he or she actually did perform meaningful work for the original petitioning employer under circumstances not reflective of fraudulent intent in the original petition. In situations in which the H-1B worker is processing abroad, USCIS will work closely with the Department of State to ensure that this same level of integrity is applied to consular processed H-1Bs.

– USCIS –

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.