

Resubmitting Improperly Rejected H-1B Masters Cases to VSC

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AILA has received some reports of H-1B petitions for U.S. masters program graduates being rejected, even though the cap for the masters exception for fiscal year 2008 has not yet been reached.

If you believe an H-1B petition for a U.S. master's program graduate has been improperly rejected by the Vermont Service Center, resubmit the petition along with a letter providing specific reasons why you believe the case has been improperly rejected, to the VSC at the 75 Lower Welden St. address. Mark in bold the following on the envelope, on a separate colored cover sheet, and on the cover letter: "Att: CRU Supervisor" and "Case Improperly Rejected" in large block letters. Please note this is not for cases that did not make the random-selection lottery.

AILA liaison is checking into the process for cases improperly rejected by CSC.

HOWEVER, before resubmitting the application, please make sure that the rejection was inappropriate. On the "H-1B Data Collection and Filing Fee Exemption Supplement" (formerly the I-129W), there are two different places where an advanced degree must be noted. The first is Part A, Question 5. The second is Part C, Question 7. You must answer "Yes" to both questions. Please also make sure that the start date requested is 10/01/2007 or later.