

Act fast before H-1B visas are gone

It comes as no surprise to business owners that the true success of a company is in large part due to its employees. That's why recruiting and retaining the best talent is so important.

In the fields of IT, healthcare and engineering, the ongoing need for qualified individuals have led many companies to recruit talent from abroad, as well as among foreign nationals living in the United States.

Recruiting this talent has proved a challenge in recent years, due to new regulations from the U.S. Citizenship and Immigration Service. In fiscal year 2004, the USCIS reduced the number of H-1B visas for foreign nationals from 195,000 per year to just 65,000 annually.

The H-1B visa permits companies to legally employ foreign nationals, many of whom bring significant technical skills to the U.S. workforce.

But now Michigan employers who act quickly can take advantage of the 20,000 H-1B visas, which have just been released by the USCIS. The new regulations implementing sections of the H-1B Visa Reform Act of 2004 make these new visas available, but only for foreign workers with



GUEST OPINION
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a master's degree from a U.S. college or university.

The 20,000 new visas will be granted only to qualified candidates in a "specialty occupation" who meet the master's degree requirement. Specialty occupations include many high-tech jobs in demand today such as engineering, science, information technology and pharmacy.

The USCIS began accepting H-1B visa petitions for the 20,000 new visas beginning May 12.

Individuals granted these visas would be able to start work immediately, as opposed to waiting until October 1.

This one-time opportunity is available due to the passage of the implementing

regulation. Many companies are scrambling to find professionals, since all the visas for fiscal 2005 have been issued. Because many American companies are in need of these foreign professionals immediately, it's likely the visas will be used up very quickly.

If it's an occupation that is unusual and one that the immigration service doesn't see often, employers are advised to go above and beyond the usual documentation to provide proof that the proffered position qualifies as a specialty occupation.

Any documentation an applicant can provide to reduce the chances of receiving a letter from USCIS requiring more evidence would be prudent.

The bottom line: If you're an employer who actively recruits foreign national employees, this one-time opportunity may help you fill key positions in your organization this year, rather than waiting for 2006.

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