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**Immigration Update – May 5, 2005**

Trow & Rahal, P.C. is pleased to provide this Immigration Update as a service to our clients and friends.

**20,000 EXTRA H-1Bs AVAILABLE ON MAY 12, 2005:** As noted previously, the “H-1B Visa Reform Act of 2004” added 20,000 new H-1B visa slots for people who have earned a Master’s or higher degree from a U.S. institution of higher education. The U.S. Citizenship and Immigration Services (CIS) published regulations today announcing that it will accept visa petitions for these 20,000 slots starting on **May 12, 2005**. We expect that these 20,000 slots will be taken very quickly, probably within one or two days. Please contact one of our attorneys immediately if you believe that you are eligible and wish to file for one of these H-1B slots.

For those who have H-1B visa petitions pending with CIS for an October 1, 2005 start date, or who have already received H-1B approvals with a start date of October 1, 2005, the new regulations provide an opportunity to upgrade to an earlier start date if the H-1B beneficiary has a Master’s or higher degree from a U.S. institution of higher education.

All of these petitions must follow special filing procedures outlined in the regulations. Additional information about this can be found on the CIS website at [http://uscis.gov/graphics/publicaffairs/newsrels/H-1B\\_050504.pdf](http://uscis.gov/graphics/publicaffairs/newsrels/H-1B_050504.pdf).

More information on the history of the H-1B visa cap and the use of H-1B visas in the biotechnology industry can be found in an article that Steve Trow co-authored, “US biotechnology companies and foreign nationals: the changing dynamics of access to H-1B visas,” in the May issue of Nature Biotechnology. We can provide reprints upon request.

If you have any questions about this new regulation, please contact one of the Trow & Rahal attorneys listed below.

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