H-1B Scramble Hits Fever Pitch

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The months leading up to the opening of the H-1B filing season has been more dramatic than ever this year, due in part to the speedy exhaustion of visa supply last year, setting a new record.

The yearly rough and tumble for H-1B temporary workers' visas is in full swing this weekend, as the first day of the filing season is Monday, April 2. The year's allotment of 65,000 slots is anticipated to be exhausted in record time.

The agency that oversees the visa program, the U.S. Citizen and Immigration Service, told the public March 27 that applications received earlier than April 2 would be, by default, rejected, thus getting the papers in early is of little help to applicants and the companies doing their vying for them.

Immigration attorneys heralded the call for applications extra-early this year, over a month before the filing period began.

"Although the start of the H-1B petition filing period for the upcoming fiscal year is still more than a month away, now is the time for U.S. employers to prepare," Irina Plumless, an immigration attorney at Dallas' Gardere Wynne Sewell, told eWEEK March 2.

"Foreign nationals with H-1B petitions filed on or after April 1, 2007, should be eligible for approval with employment starting Oct. 1," Plumless said. "But U.S. employers must act fast. The H-1B filing season is short and is getting shorter every year. Last year, the H-1B cap was

reached in May, well before the new fiscal year even started. Those filing their H-1Bs in early April should assure visa availability for their workers."

In 2004, the cap on allotted visas was slashed from a record high of 195,000 to 65,000 per year, causing a heightened fury around H-1B filing time.

"Rushing to get an application in wasn't a problem before the cap was lowered to 65,000. Now, it's never too early to be on notice," said Plumless.

Applicants - typically specialized workers such as computer programmers, engineers and architects but also fashion models - who are granted visas are admitted into the United States for an initial period of six months, which can be extended an additional three years.

The H-1B supply for the 2007 fiscal year was exhausted on May 31, 2006, just two months after they'd been made available, a record year for demand. It simultaneously heightened arguments by H-1B advocates - typically large technology companies that stand to benefit from an increased inflow of foreign workers - that the current cap had been set far too low, as well as from opponents - typically civil liberties unions and worker and IT advocacy groups, who argue that these guest workers threaten American jobs.

Yet, a BusinessWeek report , published Feb. 7, shed light on the fact that the companies that reap the most benefits from the H-1B visa program are not technology companies such Microsoft, IBM, Intel, Oracle and Sun Microsystems, which are usually associated with a large number of H-1B workers, but Indian outsourcing firms.

In reviewing visa data for the 2006 fiscal year, the report found that

seven of the top 10 applicants were Indian companies that provided services to U.S. companies from India, from technology support to back-office processing. In fact, Infosys Technologies and Wipro took the top two spots for the second year in a row. Cognizant Technology Solutions, based in Teaneck, N.J., but operating mostly in India, took third place. The only other U.S. companies in the top 10 were Deloitte & Touche, an accounting and consulting firm, and Accenture, a consultancy, taking seventh and ninth place, respectively.

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