

## PROPOSED H-1B LAW EXPECTED TO PASS IN DECEMBER 2004

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by

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As we explained previously on [www.longchangonline.com](http://www.longchangonline.com), a new law which will provide some relief for the H-1B cap of 65,000 H-1Bs per year is expected soon. Congress is expected to finalize H-1B legislation in early December 2004 and President Bush is expected to sign the legislation into law shortly thereafter.

The new H-1B legislation is expected to exempt from the H-1B cap up to 20,000 H-1B individuals who are graduates of U.S. colleges or universities with advanced degrees (e.g., master's degree or Ph.D. degrees). As a result, more H-1Bs will be available to all other individuals seeking H-1B status (e.g., those who did not graduate from a U.S. college or university with an advanced degree). This portion of the law is expected to become effective 90 days after the law is passed. Assuming the law is passed as expected in early December 2004, the H-1B cap relief would become effective 90 days thereafter or early March 2005. Once it is determined how many individuals already counted toward the 65,000 cap should be exempt from the cap, then that many H-1Bs should become available for the current year. For example, if 10,000 individuals who have already been counted towards this year's 65,000 cap are determined to be exempt because they are graduates with advanced degrees from U.S. colleges or universities, then there would be 10,000 additional H-1Bs available for this year.

In addition, there will be additional filing fees for H-1Bs as a result of this legislation. Assuming it is passed, all H-1B cases will have the following additional filing fees (in addition to the application fee of \$185): (1) Employers with more than 25 employees will be required to pay an additional fee of \$1,500. Employers with 25 or less employees will be required to pay an additional fee of \$750. (2) All employers will be required to pay a fraud detection fee of \$500. These increased fee provisions will be effective as soon as the new law is passed.

As soon as the law is passed, Long, Chang & Associates, L.L.P. will publish a notice on its website ([www.longchangonline.com](http://www.longchangonline.com)) in its "NewsFlash" section. To determine how this new law can benefit you, you may contact our office at (336) 855-5700.

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