Press Office
U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services

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Press Release

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USCIS TO IMPLEMENT H-1B VISA REFORM ACT OF 2004

Washington, DC –U.S. Citizenship and Immigration Services (USCIS) currently is preparing regulations for the implementation of the Omnibus Appropriations Act for Fiscal Year 2005. Pursuant to an exemption established under this Act, USCIS will be able to process additional petitions for H-1B workers for FY 2005. The available petitions for FY 2005 will be applied to all qualified H-1B nonimmigrant aliens, and will not be limited to those individuals holding a master's degree or higher degree from a U.S. institution of higher learning.

USCIS previously reported that the applicable provisions of the H-1B Visa Reform Act become effective on March 9, 2005. The correct effective date is March 8, 2005. However, USCIS advises employers **not** to file H-1B petitions seeking approval for workers who may benefit from these provisions until USCIS publishes a rule concerning the Visa Reform Act and related issues. USCIS will reject any new H-1B petition that is received prior to the filing date set forth in the regulations.

Complete information, including the exact date and address for filing, will be published in the *Federal Register* as soon as possible. However, employers also should be aware that the filing date announced in the regulation may occur shortly after publication of the regulation. Employers should monitor the *Federal Register* and www.uscis.gov and prepare their filings accordingly.

– USCIS –

On March 1, 2003, U.S Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing our nation's security.