

Practical Briefs

Legal Updates for Today's Proactive Manager

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Special Alert:

Need Temporary Workers? H-2Bs May Still Be Available for Fiscal Year 2009!

US Citizenship and Immigration Services ("USCIS") announced this week that it will immediately begin accepting H-2B (temporary foreign nonagricultural workers) petition filings for fiscal year 2009 ("FY09", which begins October 1, 2008). USCIS previously closed the filing period on January 7, 2009, when it announced it had already received and approved a sufficient number of H-2B petitions to meet the annual cap for FY09 (65,000 petitions). However, the US Department of State issued far less than that number of H-2B visas and approximately 25,000 H-2B visas remain available.

The H-2B program is designed to allow U.S. employers to bring foreign nationals to the U.S. to fill temporary nonagricultural jobs where there is a shortage of available U.S. workers. These workers typically include those in the fields of education, construction, health care, landscaping, manufacturing, food service/processing, and resort/hospitality services.

H-2B petitions for FY09 visas must be received, evaluated, and adjudicated **on or before Sept. 30, 2009**, so employers are strongly encouraged to file as soon as possible and to request premium processing. Employers must specify a start date of September 30, 2009 or earlier. Petitions must include a valid temporary labor certification issued by the U.S. Department of Labor, and requests for a temporary labor certification may take up to 60 days to process. Employers may submit a previously approved temporary labor certification, but they must provide a clear explanation to USCIS why the original stated need remains the same, notwithstanding the changed employment start date.

If you need assistance in obtaining the necessary immigration and employment authorization approvals for workers for your business, please contact one of our attorneys as soon as possible to take advantage of the additional visas.

UPCOMING COMMUNITY EVENTS:

*4th Annual Women in Business
Council Empowerment Conference
and*

Awards Luncheon

August 25, 2009

Location:

University Church of Christ

Including Workshops presented by

Armstrong & Desai, LLC.

**"2009's Alphabet Soup of
Employment Law Change"**

and

**"Critical Planning for your
Family's Future - Do it Today"**

To print out the conference registration form, please visit our website at:

www.adgloballaw.com

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Alabama State Bar rules require the following: "No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers."

Unless otherwise indicated, Texas attorneys are not certified by the Texas Board of Legal Specialization in the areas of practice listed on their profiles.
See Texas Disciplinary Rules of Professional Conduct Rule 7.04(b)(3) (1999).

FREE BACKGROUND INFORMATION AVAILABLE UPON REQUEST

This newsletter is intended to provide general information only and is not intended to provide legal advice or opinions for any reader's particular situation. Each specific set of facts and circumstances are unique, and the reader should consult his or her legal or tax advisor concerning specific advice for the issues presented in this newsletter.



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