

BUSINESS IMMIGRATION ALERT

A complimentary service of the McCandlish Holton Immigration Practice Group

Delay in Processing H-1B Cases

On July 1, 2009, the Department of Labor instituted a new system for certifying Labor Condition Applications (LCAs) required to be filed with H-1B petitions. LCAs now must be filed through an electronic iCERT Portal which may delay certification up to 10 days or longer. Previously, LCAs were certified instantly. The new system will necessarily delay the time it takes to prepare and file H-1B petitions, including H-1B transfer (change of employer) petitions which were routinely filed in less than a week. As a result, a beneficiary's start date with a new employer may be delayed since a beneficiary cannot "port" to a new employer until an H-1B petition is received at the U.S. Citizenship and Immigration Services, and the H-1B petition cannot be filed without the certified LCA.

This Alert is a summary of important developments in business immigration law for clients and friends of McCandlish Holton's Immigration Practice Group. This publication does not constitute legal advice. Please consult with an attorney before acting on any information in this Alert. Information about the Immigration Practice Group and additional immigration-related information is located on our website at: www.lawmh.com/practice_areas/immigration.htm

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