

Summary of Ellis Porter H-1B Cap Policies

Ellis Porter appreciates the opportunity to assist you with your H-1B cap filings. Due to the unique nature of H-1B petitions filed as part of the special H-1B Cap filing period, we think it is important to summarize our policies and procedures for handling these petitions to avoid any possible misunderstandings at a later date.

When To Submit Employer/Employee Information for H-1B Petitions

Completed H-1B Employer and H-1B Employee worksheets, along with supporting documentation, can be provided to Ellis Porter immediately. Ellis Porter will begin actively preparing applications starting February 4, 2008 to make sure all petitions are ready for filing on the first day of eligibility (April 1, 2008).

Requests made after March 17, 2008 to complete H-1B petitions on a rush basis may result in additional legal fees.

Rejected H-1B Lottery Petitions

To the extent USCIS receives more H-1B petitions on the first day of filing than H-1B cap numbers available, a random lottery will be conducted to determine which petitions will be accepted and processed. Petitions not selected will be rejected and all government filing fees will be returned. USCIS has indicated that employers should receive notification whether a petition has been received or rejected within about 4-6 weeks, although we note that last year it took longer than this in most cases.

Special Billing Policies

Filing/Legal Fee Invoicing: The applicable government filing fees and legal fees for each H-1B petition will be invoiced at the time the petition is complete and ready to be filed. Due to the fact that Ellis Porter will begin processing H-1B petitions on February 4, 2008, a particular petition may be complete and ready to be filed well in advance of April 1, 2008. If the government filing fees and legal fees invoice for an H-1B petition has not been paid in full by March 31, 2008, the H-1B petition will not be filed on April 1, 2008.

Rejected Petitions: Please note that Ellis Porter's legal services in connection with the assessment, preparation and filing of an H-1B petition are considered complete at the time the petition is filed with USCIS. *To the extent an H-1B cap lottery is conducted, and a petition is not selected for processing, the legal fees associated with that particular petition cannot be refunded.* All USCIS government filing fees, however, will be refunded in full when returned by USCIS. If a later change in law allows the re-filing of an H-1B petition that was not selected in the H-1B cap lottery, Ellis Porter will re-file the case at a reduced rate based on the specific timing and requirements of any re-filing opportunity.

Requests for Evidence: Ellis Porter's standard legal fees typically do include responding to a Request for Evidence (RFE) from USCIS relating to an accepted H-1B petition. However, if prior to filing an H-1B cap petition, Ellis Porter determines that the employer and/or employee has not provided all information from Ellis Porter's standard list of required documents, and the employer, upon notification to Ellis Porter, chooses to file the petition without this evidence, Ellis Porter will require an additional fee to respond to any RFE received in connection with the petition. The specific amount of the RFE response fee will be negotiated with the employer if/when an RFE is received.