



H-1B Visas: What To Expect In 2015

News

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Scott Fanning was quoted in the *InformationWeek* article "H-1B Visas: What To Expect In 2015" on November 18, 2014. Scott was quoted on how the demand for new H-1B visas will continue to outstrip supply -- likely by an even wider margin -- in 2015.

"There's been a marked increase" in new H-1B applications, Scott said in an interview. "It's our belief that it's just going to keep increasing exponentially."

There are multiple catalysts driving demand for new H-1Bs, but Scott noted one is simply a byproduct of the limited supply: When a would-be H-1B holder doesn't get lucky in the lottery system, the only visible path to securing an H-1B visa in the near future is to try, try again in the following year. About 87,000 applicants didn't hear their number called in last year's lottery; many of them will likely try again in 2015, whether with the same prospective employer or a new one.

"Employers are increasing the number of applications they may be filing due to fear of the lottery," Scott said. They are "bona fide applications; these are positions that, for some companies, they desperately need. Companies are filing more in the hopes of getting more approvals."

"Even though they may have another two years left, or 17 months left, on OPT, they're going to accelerate the process and file for the H-1B now," Scott said.

Fanning's phone -- and the phones of labor and immigration lawyers around the country -- will still ring with last-minute H-1B-related requests from employers each spring, but advance planning has become a *de facto* necessity as a result of stiffer competition for H-1B visas. Employers have always had to look ahead in terms of hiring -- the earliest date successful H-1B applicants can begin work in the US is Oct. 1 following the filing period, the first day of the federal fiscal year. But the demand spike, coupled with an increasing need for contingency planning in the event of unsuccessful applications, has forced an even longer view, Scott said.

"Enforcement has increased substantially in the past four years. It's not something that just happened recently in this past year," Scott said. The spotlight shines brightest on any employers that are considered IT consulting firms, rather than companies using H-1B visas to fill internal, on-site positions. "Any kind of employer where they do consulting -- where there's not going to be working on site, where they're going to go to third-party sites -- those are carefully scrutinized [and] will get requests for evidence that you have to respond to voluminously in order to support it."

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