

FY 2014 H-1B Cap Reached Within the First Week

Insights

4.16.13

On April 5, 2013, U.S. Citizenship and Immigration Services (USCIS) announced that it had received enough petitions to meet the statutory H-1B cap of 65,000 new H-1B visas to be issued each year. The H-1B visa category is used by U.S. businesses to employ foreign workers in a “professional” or “specialty occupation” position. USCIS also announced that it received enough petitions to meet the 20,000 advanced degree exemption. USCIS reported receiving approximately 124,000 H-1B petitions within the first week of the filing period.

On April 7, 2013, USCIS selected the H-1B petitions to be processed using a computer generated random selection process, known as a lottery. H-1B cap subject petitions received after April 5, 2013 or not selected for processing in the lottery will be rejected and returned to the petitioner along with the filing fees. USCIS has started to issue receipt notices for premium processing cases selected for processing.

H-1B petitions for extensions of stay or change of employer for workers who are currently in H-1B status do not count towards the H-1B cap and USCIS will continue to accept petitions for individuals in those categories. USCIS will also continue to accept petitions for employers exempt from the H-1B cap, including institutions of higher education, nonprofit entities affiliated with an institution of higher education, and nonprofit research organizations.

If you missed the H-1B filing window or your petition was not selected for processing, you should contact one of the lawyers in the Global Immigration Practice Group to discuss whether there are other options for employing your foreign national.

Related People





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