

ALERTS

Are You Ready For H-1B Cap Season?

01.2018

On April 1, 2018, USCIS will begin accepting cap subject H-1B petitions for a start date of October 1, 2018. Due to the high demand for H-1B visas, we encourage employers to take time now to identify any employees who require H-1B sponsorship, such as:

- F-1 students currently working on OPT who require a change of status to H-1B.
- Workers outside the U.S. seeking H-1B status for the first time.
- Workers inside the U.S. on another work status that will max out (such as L-1A or L-1B).
- Workers currently in H-1B status employed with a university, non-profit organization or other cap-exempt employer who seek to change jobs and work for a non cap-exempt employer such as a public or private corporation.

The annual H-1B cap is set at 65,000, with an additional 20,000 visas available for individuals who have earned advanced degree from an accredited U.S. educational institution. Once these caps have been reached, employers will be unable to file new cap-subject H-1B petitions until April of 2019.

Advance preparation is crucial to ensuring a complete petition is ready to file with USCIS on April 1st. In 2017, USCIS received enough H-1B petitions in the first week of April to meet the annual cap.

Remember that the cap does not impact individuals currently in H-1B status seeking extensions of status, amendments of status, or changes such as a transfer to a new employer.

Please contact an MVA Immigration Team Member if you wish to discuss potential H-1B applicants.