

# ALERTS

## Immigration Client Alert: New H-1B visas for fiscal year 2015

01.21.2014

As of April 1, 2014, USCIS will allow employers to submit cap subject H-1B visa petitions; these are petitions for foreign nationals who are not currently in H-1B status such as recently graduated F-1 students or workers abroad seeking initial employment in the U.S. The H-1B cap does not impact individuals currently in H-1B status seeking extensions of status or changes such as a transfer to a new employer.

The H-1B cap is set at 65,000, with an additional 20,000 visas for individuals who have earned a Master's degree or high from an accredited U.S. educational institution. When the H-1B cap has been reached, employers will be unable to file new cap-subject H-1B petitions until April 1, 2015.

We advise employers to make their H-1B sponsorship decisions within the next few weeks. There are steps that must be completed before an H-1B petition can be filed, such as a review of the foreign national's academic credentials as well as the certification of the Labor Condition Application (LCA). The LCA is a form that must be certified by the U.S. Department of Labor before the H-1B petition can be filed with USCIS on April 1<sup>st</sup>. LCA certifications typically take 5-7 business days.

Please contact an MVA team member as soon as possible to discuss any potential H-1B applicants you may have.