

ALERTS

Immigration Client Alert: USCIS Announces H-1B Cap Numbers

04.11.2014

U.S. Citizenship and Immigration Services (USCIS) has announced that 172,500 H-1B petitions were received during the filing period which began April 1, 2014. This number includes petitions filed under the advanced degree exemption cap (for which there are 20,000 visas available) and the standard H-1B filing cap (for which there are 65,000 visas available).

On April 10, 2014, USCIS completed the computer-generated random selection process (or "H-1B lottery") to select enough petitions to meet each cap. USCIS conducted the lottery process for the advanced degree exemption first. All advanced degree petitions not selected then become part of the lottery process for the 65,000 limit. USCIS will reject and return filing fees for all cap-subject petitions that are not selected, unless found to be a duplicate filing.

USCIS also announced that it will begin premium processing H-1B cap cases no later than April 28. There is no guidance yet on when processing for standard (non-premium) cases will begin.

Please note that the H-1B cap and lottery will not impact H-1B petitions that are otherwise exempt from the cap, such as current H-1B workers previously counted against the cap who are seeking an extension of H-1B status or a change in the terms of their current employment.

Please contact an MVA Team member if you have questions regarding the FY2015 cap or any other related inquiries.