

# ALERTS

## Immigration Update: USCIS hits H-1B Cap for FY2016

04.08.2015

On April 7, 2015, U.S. Citizenship and Immigration Services (USCIS) announced it had received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year 2016. USCIS has also received more than the limit of 20,000 H-1B petitions filed under the U. S. advanced degree exemption.

Based on the number of petitions received, USCIS will conduct the random selection process (aka “the H-1B lottery”). USCIS is not yet able to announce the date on which it will conduct the H-1B lottery as initial intake of petitions is still in process.

The computer-generated lottery process will randomly select the number of petitions needed to meet the caps of 65,000 visas for the general category and 20,000 under the advanced degree exemption. The lottery for the advanced degree cap will be conducted first. All advanced degree petitions not selected will 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.

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

If you have questions regarding the FY2016 cap or any other related inquiries, please contact an [MVA team member](#).