

ALERTS

'Tis the season...to prepare for H-1B filing

12.2017

On April 1, 2018, USCIS will begin accepting cap subject H-1B professional worker 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 may require first time 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); or
- Workers currently in the U.S. in H-1B status working for a cap-exempt organization (non-profit or educational institution) who require a cap-subject H-1B to work for a private, for-profit organization/company.

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. In 2017, USCIS received enough H-1B petitions in the first week of April to meet the annual cap.

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.

Advance preparation is crucial to ensuring a complete H-1B petition is ready to file with USCIS on April 1st. Preparing the petition requires careful review of both the applicant's qualifications and the position the company is offering to the applicant.

Please contact an MVA Immigration Team Member if you have any questions or want to discuss potential H-1B applicants.