

ALERTS

Immigration Update

USCIS STILL ACCEPTING CAP-SUBJECT H-1B FILINGS

MVA Immigration Team

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U.S. Citizenship and Immigration Services (USCIS) announced today (April 8, 2009) that it continues to accept H-1B nonimmigrant visa petitions subject to the fiscal year 2010 (FY 2010) cap. Therefore USCIS is still accepting H-1B filings for the new fiscal year, which begins October 1, 2009.

USCIS will continue to monitor the number of H-1B petitions received for both the 65,000 standard cap and the 20,000 U.S. Advanced Degree cap.

Should USCIS receive the necessary number of petitions to meet the respective caps, it will issue an update to advise the public that, as of a certain date (the "final receipt date"), the respective FY 2010 H-1B caps have been met. The final receipt date will be based on the date USCIS physically receives the petition, not the date that the petition is postmarked. The date or dates USCIS informs the public that the respective caps have been reached may differ from the actual final receipt date.

To ensure a fair system, USCIS may randomly select the number of petitions required to reach the numerical limit from the petitions received as of the final receipt date. USCIS will reject cap subject petitions that are not selected, as well as those received after the final receipt date.

Petitions filed on behalf of current H-1B workers, who have been counted previously against the cap, are not subject to the FY 2010 H-1B cap. If you have any questions regarding cap subject H-1B petitions, please call or email your [MVA Immigration Team Contact](#).