

# ALERTS

## Immigration Client Alert: USCIS hits H-1B Cap for FY2015

04.08.2014

U.S. Citizenship and Immigration Services (USCIS) has announced that it has received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year (FY) 2015. USCIS has also received more than the limit of 20,000 H-1B petitions filed under the U. S. advanced degree exemption. As such the random selection process (aka "the H-1B lottery") will be performed.

USCIS is in the process of completing an initial intake for all filings received during the filing period which ended Monday April 7th. Due to the high number of petitions, USCIS is not yet able to announce the date on which it will conduct the random selection process. The computer-generated 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.

USCIS will conduct the lottery process for the advanced degree exemption 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.

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.