

ALERTS

Immigration Update: 'Tis the season to prepare for H-1B petition filing

12.2015

On April 1, 2016, USCIS will begin accepting cap subject H-1B visa petitions for a start date of October 1, 2016. Due to the high demand for H-1B visas, we encourage employers to identify any employees who may require initial sponsorship and begin the process as soon as possible.

Cap subject H-1B petitions are for foreign nationals seeking H-1B status for the first time, such as recently graduated F-1 students or workers abroad seeking initial employment in the U.S. The cap does not impact individuals seeking extensions of H-1B status or changes such as a transfer to a new employer. Current H-1B employees working at cap exempt locations could potentially be subject to the cap if they change employment to a cap subject employer.

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 1, 2017.

Advance preparation is crucial to ensuring a complete petition is ready to file with USCIS on April 1, 2016. In 2015, USCIS received enough H-1B petitions in the first week of April to meet the annual cap.

Please contact an MVA Immigration Team Member as soon as possible to discuss any potential H-1B applicants you may have.