



IMMIGRATION PRACTICE

ALERT

H-1B CAP NEARING END FOR FISCAL YEAR 2012

By Catherine V. Wadhvani

The U.S. Citizenship and Immigration Service (USCIS) announced that, as of November 2, it had received approximately 50,800 H-1B cap-subject filings out of the total 65,000 available numbers under the regular cap for Fiscal Year 2012. This does not include the separate 20,000 advanced degree petitions that have already been received to exhaust the cap for master degree or higher degree filings.

From the total 65,000 numbers, up to 6,800 spots are set aside each fiscal year for citizens of Chile and Singapore. Any of the 6,800 that go unused are made available for general H-1B use in the next fiscal year.

This means:

- Only approximately 7,400 numbers remain in the general pool in FY 2012 for workers who are not citizens of Chile or Singapore.
- Last year around this same time, only 46,800 cases had been received under the regular cap and the

advanced degree cap had about 3,000 remaining numbers. This means usage this fiscal year is moving slightly faster than last year.

- Last year's cap was reached by January 26; however, based on reports of current filings, we anticipate that the FY 2012 cap will be reached sooner.

Please be sure to let us know as soon as possible if you have a cap-subject H-1B petition you would like us to prepare. While there is no guarantee that your case will receive a number under this fiscal year's cap, filing very soon should help you maximize the likelihood that your H-1B petition will receive a number in the FY 2012 cap count.

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