

Immigration Alert

APRIL 6, 2012

Update on Cap-Subject H-1B Petitions

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On April 2, 2012, U.S. Citizenship and Immigration Services (USCIS) began accepting new H-1B petitions against the annual H-1B cap for Fiscal Year 2013. USCIS announced yesterday that 22,323 cap-subject H-1B petitions have been received since April 2, 2012. Approximately 25% of these petitions are for individuals qualifying for the “Master’s cap” with advanced degrees from U.S. educational institutions. This represents a sharp increase in demand for H-1B visas over last year. For comparison to last year, during the first week of April 2011 USCIS received only 10,400 new H-1B petitions toward the H-1B cap. The spike in demand for H-1B visas this early in the year is a strong indication that H-1B visa numbers will almost certainly be exhausted in the summer.

If you have employees who require H-1B sponsorship this year (e.g., employees working pursuant to F-1 Optional Practical Training, or employees working in J-1, L-1, and/or TN visa status who may need H-1B classification as a step to securing a green card), please contact us to discuss initiation of the H-1B petition process as soon as possible. Congress has placed a strict numerical cap or limit on the number of H-1B visas that are available annually. Specifically, 65,000 new H-1B visas are available each year, with an additional 20,000 visas reserved for applicants holding advanced degrees from U.S. educational institutions.

While we expect H-1B visas to remain available for the coming months, it is important to consider filing an H-1B visa for any employee needing sponsorship as soon as possible. Please contact an attorney with Mintz Levin’s Immigration Section if you need assistance securing an H-1B visa for an employee.

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1787-0412-NAT-IMM