

New H-1B Filings for FY 2011 Begin April 1

March 17, 2010

On April 1, 2010, the U.S. Citizenship and Immigration Services (“USCIS”) will begin accepting new H-1B petitions for employment commencing on October 1, 2010. New H-1B petitions are subject to an annual limit of 65,000 new H-1B visas, plus an additional 20,000 visas for foreign workers with an advanced degree from a U.S. academic institution. The annual quota only applies to new H-1B visas, not to individuals who already hold H-1B status, and universities and non-profit research organization are also excluded from the H-1B cap.

The rate of H-1B filings was slower last year due to the economic downturn, however the H-1B cap was reached on December 21, 2009. Although it is difficult to predict the volume of H-1B filings, the expectation is that the H-1B cap will be reached again this year, possibly promptly after the filing period opens on April 1. If USCIS receives more petitions than there are available numbers in the first 7 business days, it will hold a lottery to determine which cases may proceed to be adjudicated. Employers should evaluate their H-1B visa needs now so that any petitions will be ready for filing in the first week of April 2010. Employers should consider filing an initial H-1B for current employees or potential new candidates working on another type of work visa, such as students (F-1/OPT), exchange visitors (J-1), intra-company transferees (L-1), NAFTA professionals (TN), Australian Free-trade professionals (E-3), or Treaty Investor/Traders (E-1/E-2).

RELATED PRACTICES

- [Labor & Employment](#)
- [Immigration](#)
- [Business Counseling](#)

This communication is intended for general information purposes and as a service to clients and friends of Foley Hoag LLP. This communication should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.

United States Treasury Regulations require us to disclose the following: Any tax advice included in this document was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Attorney advertising. Prior results do not guarantee a similar outcome. © 2017 Foley Hoag LLP. All rights reserved.