

USCIS Will Begin Accepting New H-1B Filings on April 1 for Fiscal Year 2015

February 26, 2014

On April 1, 2014, the U.S. Citizenship and Immigration Services (“USCIS”) will begin accepting new H-1B petitions for employment commencing on October 1, 2014. New H-1B petitions are subject to an annual limit of 65,000 new 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.

Last year, USCIS reached the H-1B cap within the first week of the filing period. It received approximately 124,000 H-1B petitions, including petitions filed for the advanced degree exemption. It is expected that USCIS will receive more petitions than visas available again this April. If this happens, USCIS will use a lottery to determine which petitions will actually be adjudicated under the H-1B cap. Cases not selected for processing under the cap will be returned to the Petitioner, with the filing fees.

Because of the likelihood that the cap for 2015 will be exceeded during the first week of April, employers should carefully evaluate their H-1B visa needs in advance so that new petitions are ready for filing on April 1.

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