

BUSINESS IMMIGRATION ALERT

A complimentary service of the McCandlish Holton Immigration Practice Group

U.S. Citizenship and Immigration Services Announces Fiscal Year 2012 H-1B Cap Has Been Reached

November 23, 2011

Today, U.S. Citizenship and Immigration Services (“USCIS”) announced that, as of November 22, 2011, it had received a sufficient number of petitions to reach the statutory H-1B cap for Fiscal Year (“FY”) 2012. Employers who are subject to the cap can no longer file petitions seeking to employ new H-1B employees prior to FY 2013, which begins October 1, 2012. USCIS will begin accepting petitions for FY 2013 on April 1, 2012.

The popular H-1B visa category is available to job seekers with an offer of employment in a position that requires at least a university degree to perform, and where the foreign worker holds a U.S. degree or the foreign equivalent in a field related to the position. To secure an H-1B number, an employer must file an H-1B petition with USCIS before the quota is reached. It is important to note that some employers are exempt from the quotas (including universities, university-affiliated non-profits, non-profit research organizations and governmental research organizations), as are most workers who already hold H-1B nonimmigrant status.

If you need assistance with an H-1B filing or need to explore other immigration options in light of the H-1B cap being reached, please contact one of the McCandlish Holton immigration attorneys listed below.

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