

Employers That Need To File H-1B CAP Cases Will Now Need To Wait Until FY 2017

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In April 2015, the U.S. Citizenship and Immigration Services (USCIS) announced that it received enough H-1B petitions to reach the statutory cap of 85,000 total visas for fiscal year 2016, within the first week of the filing period. This triggered a computer-generated “random selection process” or “lottery,” which the USCIS completed by April 13, 2015. As a result, thousands of H-1B petitions are being rejected by the USCIS, causing employers and students to scramble to find other visa options. Any employers interested in filing H-1B CAP cases will now need to wait until the filing deadline of April 1, 2016 to request an October 1, 2016 H-1B Start-Date. The H-1B program is utilized by employers to employ foreign nationals in specialty occupations that require theoretical or technical expertise in specialized fields.

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