

Now Is The Time To Initiate H-1B Cap Petitions For Foreign Students Or National Candidates Currently Abroad

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02.06.2015

The United States Citizenship and Immigration Services (USCIS) will begin accepting new H-1B petitions for Fiscal Year 2016 starting April 1, 2015. The allotted number of H-1B petitions that the USCIS will accept, known as the “H-1B Cap,” is set at 65,000, with an additional 20,000 petitions available for individuals with a master’s degree or higher from a U.S. educational institution. In its last fiscal year, the USCIS received more than the allotted number of H-1B petitions within the first week of the filing period. This resulted in a “random selection process” or “lottery” and as a result, thousands of H-1B petitions were rejected by the USCIS, causing employers and students to scramble to find other visa options. Early projections are that this trend will continue this fiscal year. Therefore, employers are encouraged to initiate the H-1B process now in order to meet the filing deadline of April 1st. Only individuals needing a new H-1B petition are subject to the H-1B Cap, which includes F-1 foreign students, foreign nationals currently living abroad, and individuals in the U.S. in another visa status such as TN or L-1. 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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