

H-1B Cap Opens on April 1, 2014

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On Tuesday, April 1, 2014, US Citizenship and Immigration Services (USCIS) will begin accepting cap-subject H-1B petitions for fiscal year 2015, with an employment start date of October 1, 2014. We recommend that all H-1B petitions subject to the FY 2015 cap be sent on Monday, March 31, for receipt by USCIS on Tuesday, April 1. Any H-1B petitions subject to the cap that are received by USCIS before April 1, 2014 will be rejected.

There is a quota of 65,000 cap-subject H-1B visas each fiscal year. A separate allotment of 20,000 H-1B visas is available to foreign nationals holding a master's degree or other advanced degree from a US institution. Last year, USCIS received nearly 124,000 H-1B petitions during the first week of April, and established a lottery to determine which petitions would be accepted for processing. Petitions that were not accepted in the lottery were returned with filing fee checks enclosed. Those petitions that were selected were adjudicated. If the demand remains as high this year, it is likely that within the first week of April another lottery will be established to determine which petitions USCIS will process. Therefore, while it is not possible to predict the H-1B visa demand for the coming year, we recommend that employers be ready to submit their petitions for receipt on April 1.

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