

H-1B Cap Opens on April 1, 2015

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On Wednesday, April 1, 2015, US Citizenship and Immigration Services (USCIS) will begin accepting cap-subject H-1B petitions for fiscal year 2016, with an employment start date of October 1, 2015. We recommend that all H-1B petitions subject to the FY 2016 cap be sent on Tuesday, March 31, 2015 for receipt by USCIS on Wednesday, April 1. Any H-1B petitions subject to the cap received by USCIS before April 1, 2015 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 172,500 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 to the sender with the filing fee check 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 prepared as early as possible to submit their petitions for receipt by USCIS on April 1. Please contact our [Immigration Practice](#) if you have questions or wish to begin preparing a petition.

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