
FY 2013 H-1B Cap Reached

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On June 12, 2012, the US Citizenship and Immigration Services (USCIS) announced that it had received a sufficient number of H-1B petitions to reach the statutory cap for FY 2013 (October 1, 2012–September 30, 2013). June 11, 2012 was the final receipt date for new H-1B petitions requesting an employment start date of October 1, 2012. H-1B petitions for FY 2014 (October 1, 2013–September 30, 2014) will be accepted starting on April 1, 2013, for an employment start date of October 1, 2013.

Cap-subject employers should be aware that there may be alternative visas available, depending upon the particular circumstances. There may also be ways to hire or retain those for whom H-1B status is or will be necessary. For example, if a foreign national has already been counted against the H-1B cap in the past six years, or will simultaneously be working for a cap-exempt employer (e.g., university or nonprofit primarily engaged in research), an H-1B petition may be filed immediately. (And of course, a cap-exempt employer can petition for an H-1B visa at any time.) In addition, a student on F-1 status who has optional practical training valid beyond April 1, 2013 may be able to have his/her status and employment authorization extended until an H-1B change of status petition can take effect (cap-gap).

Please contact a member of WilmerHale's immigration team for additional

information.

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