
H-1B Visa Cap Has Been Reached for the 2012 Fiscal Year

2011-12-07

As of November 22, 2011, U.S. Citizenship and Immigration Services (USCIS) received a sufficient number of H-1B petitions to reach the statutory cap. The agency will accept no further standard or advanced degree cap-subject cases for employment in FY 2012.

There will be no further opportunities to file cap-subject cases at least until April 2012, when the filing season for H-1B cap employment in FY 2013 will commence (i.e., employment commencing on or after October 1, 2012). However, USCIS will continue to accept H-1B petitions that are not subject to the annual quota. This includes amended petitions and petitions for an extension of stay or a change in employer for an existing H-1B worker. In addition, petitions for new H-1B employment will continue to be accepted where the foreign national will be employed at an institution of higher education or a related or affiliated nonprofit entity; at a nonprofit research organization; or at a governmental research organization. A petition for H-1B employment that is not subject to the cap may be filed at any time up to six months before the prospective employment start date.

Please feel free to contact a member of the WilmerHale immigration team with any questions you may have, or to discuss visa alternatives to the H-1B visa category that may be available depending upon the particular

circumstances.

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