

THE
NATIONAL LAW REVIEW

H-1B Cap Season Quickly Approaching

Thursday, January 23, 2014

Due to high demand, businesses must be ready to file their completed H-1B petitions on April 1. The Immigration and Nationality Act (INA) allocates 65,000 new H-1B visas each fiscal year, running October 1 - September 30. 20,000 more H-1Bs are reserved for individuals who received a master's degree or higher from a U.S. educational institution. Because a petition cannot be filed more than six months prior to the employee's start date, the earliest possible date to file for a new H-1B is April 1.

Once the annual limits are reached, an individual cannot receive an H-1B (unless cap-exempt) until the next fiscal year. Petitions can far outnumber the visas available. In FY2008 and FY2009, the **U.S. Citizenship and Immigration Service (USCIS)** accepted petitions for a number of days at the beginning of those fiscal years, then held a lottery to determine how many would be retained for adjudication. Thousands of qualified H1B candidates were turned away.

In FY2010, FY2011 and FY2012 the demand relaxed a bit, and USCIS was able to accept petitions into November, December and January. However, in FY2013, USCIS announced that the quota had been met on June 11. Last year, the FY2014 quota was met on April 5.

There is a high probability that FY2015 H-1B available visa numbers will be gone quickly, as well. This can seriously affect an employee who will not have work authorization without changing status to H-1B. It is a good time to review your employee roster and identify which individuals will need an H-1B visa.

Jackson Lewis P.C. © 2019

Source URL: <https://www.natlawreview.com/article/h-1b-cap-season-quickly-approaching>

The logo for Jackson Lewis, featuring the name "jackson lewis." in a bold, lowercase, sans-serif font. The "j" and "l" are significantly larger than the other letters.

Article By [Jackson Lewis P.C.](#)
[Jessica Feinstein Immigration Blog](#)

[Labor & Employment](#)
[Litigation / Trial Practice](#)
[Administrative & Regulatory](#)
[All Federal](#)