



## H-1B Cap Still Not Reached

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H-1B visas are work visas that allow foreign nationals to temporarily work in the United States for a U.S. employer. A U.S. employer may petition a foreign national under the H-1B classification which specifically applies to individuals in a "specialty occupation." A specialty occupation has three requirements. First, an individual must have a bachelor's degree or higher degree or its equivalent for the particular position. Second, the degree must be common in the industry among similar organizations. Third, the employer must normally require a degree or equivalent; or the nature of the specific duties is so specialized and complex that knowledge required to perform the duties is usually associated with attainment of the degree.

Individuals with H-1B visas are allowed to work in the United States for up to six years, but visas are granted in three-year increments. In some cases, the H-1B visas may be extended for more than six years. If the individual is in the United States, a change of status to an H-1B is filed in the United States. If the individual is outside the United States, upon approval of the petition, the individual must apply for an H-1B visa at the U.S. consulate. There are only 65,000 H-1B visas issued per year.

The beginning of the fiscal year for 2010 is October 1, 2009. Employers may begin filing their petitions six months prior to the start date of employment but the individuals cannot start their jobs until October 1.

It is vital for those individuals wishing to work in the United States to begin preparing their H-1B paperwork before the cap is reached. As of August 7, 2009, approximately 44,900 H-1B cap-subject petitions had been received by U.S. Citizenship and Immigration Services (USCIS) and counted towards the cap. Please call us at 214-999-9999 if you would like to begin the H-1B process. The H-1B cap-subject count is available at the [USCIS Web site](#).