

Practice Areas

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- Australia
- Chile / SingaporeE-1

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Permanent Residence for Family
within U.S.

Naturalization /Citizenship

AMNESTY

H-1B Foreign Worker Slots Re-Open Soon

Posted: March 16th, 2011

On Jan. 27, 2011, the U.S. Citizenship and Immigration Services (the “USCIS”) announced that no available slots are left in fiscal year 2011 for foreign workers in specialty occupations under the H-1B program as the statutory cap has been reached.

However, employers who wish to hire foreign specialty workers should consider now preparations for filing a petition to sponsor H-1B workers for fiscal year 2012, which starts as of Oct. 1, 2011. Petitions for worker start dates on or after Oct. 1 may be filed soon – as of April 1 of this year.

Petitions should be filed as soon as possible in order to avoid being shut down by the annual cap limitation for the H-1B program (cap amount of 65,000 expected for FY 2012).

Some petitions will be exempt from the cap if they are made on behalf of certain individuals who have obtained an advanced U.S. degree, but USCIS grants the exemption only to the first 20,000 applications.

The USCIS is also still accepting and processing petitions filed to:

- extend the amount of time a current H-1B worker may remain in the U.S.;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; and
- allow current H-1B workers to work concurrently in a second H-1B position.

U.S. companies have made great use of the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields such as scientists, engineers, or computer programmers.

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H-1B petitions, in order to be properly filed, must be complete and accurate. Necessary documents include, but are not limited to the following:

- a Form I-129 petition with appropriate supplements;
- labor condition applications on Form ETA 9035;
- required evidence of a beneficiary's educational background;
- duplicate copies of certain documents; and
- Consulate-specific forms required by the Department of State where appropriate.

If you are in need of more information about business immigration, please check the pertinent section of [our Website](#) or call our offices at (847)564-0712.