

Immigration Alert

JUNE 13, 2012

H-1B Cap Hit for Fiscal Year 2013

On June 12, 2012, US Citizenship and Immigration Services (USCIS) announced that as of June 11, 2012, a sufficient number of H-1B petitions had been received to fill the statutory cap of 65,000 for Fiscal Year 2013 (FY 2013). USCIS also announced that the cap of 20,000 additional H-1B visas available for individuals who hold US advanced degrees had also been reached. Any cap-subject H-1B petitions received by USCIS after June 11, 2012 seeking an employment start date in FY 2013 will be returned.

All individuals needing a cap-subject H-1B visa must wait now until April 1, 2013 to request H-1B status commencing October 1, 2013.

Despite the quota being filled, USCIS will continue to accept and process H-1B petitions exempted from the H-1B cap, DOD cooperative research worker petitions, and Chile/Singapore H-1B1 petitions. Petitions will also be accepted for H-1B petitions which seek to:

- extend the stay of a current H-1B employee;
- change the terms of employment for an existing H-1B worker;
- change H-1B employers; or
- secure concurrent H-1B employment

Compared to Fiscal Year 2012, FY 2013's H-1B quota was hit a full five (5) months earlier than the prior year.

* * *

View Mintz Levin's Immigration attorneys.

Boston · London · Los Angeles · New York · San Diego · San Francisco · Stamford · Washington

www.mintz.com

Follow Us    

Copyright © 2012 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

This communication may be considered attorney advertising under the rules of some states. The information and materials contained herein have been provided as a service by the law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.; however, the information and materials do not, and are not intended to, constitute legal advice. Neither transmission nor receipt of such information and materials will create an attorney-client relationship between the sender and receiver. The hiring of an attorney is an important decision that should not be based solely upon advertisements or solicitations. Users are advised not to take, or refrain from taking, any action based upon the information and materials contained herein without consulting legal counsel engaged for a particular matter. Furthermore, prior results do not guarantee a similar outcome.

