

H1b FY 2014 cap met- now what?



The USCIS announced on April 5th 2013 that the annual quota for H1bs had been met. In 5 days, 85,000 visa (65,000 for bachelor's degree holders and 20,000 for master's) were all gone! The USCIS did send a warning the week before that this was a possibility. (In 2007, visas were exhausted in one day).

I hope everyone who wanted to file an H1b was able to file. Now the question is whether you 'win' the lottery.

What happens to those who will not win the lottery or who did not get the opportunity to file? Wait till April 2014 for fiscal year 2015?

Well, that is the obvious option. But people in the US on visas have to continue to maintain status. If your status is about to expire and you have no other alternative, you must leave the US. Are there alternative options? The answer depends on your individual circumstances. If you are a student, you could consider remaining a student. If you are from Australia, the E3 visa is an ideal option. Other visas that could be in the pool of consideration- J, H3, O, etc. depending on your situation. In any event, best to consult your attorney to discuss your options and find a solution until next year.

The repercussions of losing the H1b 'lottery' can be devastating, not only for the employee but the employer too. Employers are often not able to wait an entire year without filling the position. Yet, it is not easy to find suitable candidates to fill the vacant positions. What is the answer? Immigration reform of course.! Clearly we need more visa numbers. If you are an employer, call your Congressman and have your voice heard. This is the time that all our voices need to be heard. Good luck!

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