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Immigration Magazine

H-1B Work Visa Cap is Almost Met (for Fiscal Year 2011)!

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H-1B petitions are extremely useful for many skilled foreign nationals to live and work in the U.S. Even though H-1B petitions are temporary work visas, many H-1B foreign nationals have successfully moved forward in applying for and obtaining green card status.

As of January 7, 2011, the U.S. Citizenship and Immigration Services (USCIS) has received 58,700 H-1B petitions that are subject to the annual 65,000 visa cap. These H-1B petitions will count towards the Fiscal Year 2011 visa cap (FY2011).

The USCIS has already received over 20,000 of the first 20,000 H-1B petitions for FY2011 that are exempted from the 65,000 visa cap, under the advanced degree exemption which applies to an H-1B beneficiary who has successfully obtained a U.S. Master's degree or higher. These extra petitions will now be counted towards the regular 65,000 visa cap where 58,700 of such visa numbers have already been used up.

These FY2011 H-1B work visas will have an employment start-date of October 1, 2010 or later.

Not all H-1B petitions are subject to the annual visa cap, depending on the types of H-1B petition being filed, and the types of entity-sponsor.

Normally, H-1B petitions/work visas are approved for a maximum of 6 years (3 years each time).

Potential H-1B candidates who do not make it to the Fiscal Year 2011 H-1B visa cap (October 1, 2010 or later start-date) have the options to have their H-1B cap petitions submitted to the USCIS on or after April 1, 2011 (October 1, 2011 or later start-date) for the Fiscal Year 2012 H-1B visa cap.

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We represent employers, and individuals and their families in green card and work visa matters in U.S. immigration law.

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