Immigration resource news magazine for United states of america

Immigration Magazine

USCIS Begins Accepting Fiscal Year 2015 H-1B Visa Cap Cases

Tiyalaw · Monday, March 31st, 2014

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H-1B Annual Work Visa Cap

On April 1, 2014, the U.S. Citizenship and Immigration Services (USCIS) will begin accepting H-1B Cap Petitions for the annual 65,000 government-mandated cap for the 2015 fiscal year (FY), and the 20, 000 H-1B for those under the U.S. advanced degree. USCIS is expected to receive more than sufficient petitions for the visa quotas/cap by April 7, 2014. After certain date, USCIS will not accept any more H-1B Cap Petitions and U.S. advanced degree H-1B Petitions, for FY 2015.

USCIS is prepared to conduct computer-generated random selection process (lottery) to select a sufficient number of petitions needed to meet the caps of 65,000 for the H-1B cap category and 20,000 under the advanced-degree limit. Non-duplicate petitions not selected will be returned with filing fees. Normally, random selection is conducted first for advanced degree H-1B petitions

When USCIS receives more than 20,000 U.S. advanced degree H-1B Petitions, those not selected would be included in the random selection under the 65,000 limit.

For this particular H-1B cap-season, USCIS will begin premium processing for H-1B cap cases on or before April 28, 2014.

What is an H-1B?

H-1B petitions are temporary work visas for positions requiring theoretical or technical expertise in specialized fields for qualified foreign nationals to live and work in the U.S. Many H-1B foreign nationals have successfully gone on to apply for and obtain lawful permanent residence status (also known as, green card).

Foreign nationals with at least a bachelor's degree or the equivalent (equivalent degree and/or work experience) may be sponsored for H-1B petitions. A broad range of positions may fall under H-1B specialty occupations; each case depends on a position's own set of circumstances.

Some H-1Bs Are Not Subject to H-1B Annual Work Visa Cap

Not all H-1B petitions are subject to annual visa cap, depending on the types of H-1B petition being filed, or the types of entity-sponsor. For examples, foreign nationals who already have approved H-1B petitions or H-1B status may still have H-1B petitions filed for them to extend their H-1B status, or to change or add H-1B employers.

Duration of H-1B

In general, H-1B petitions/work visas are approved for three years each time (up to a total of 6 years). Under certain circumstances, H-1B work visas can be extended beyond the 6-year maximum time limitation.

H-1Bs Not Selected or Filed When All H-1B Annual Work Visas Are Used Up

Potential H-1B candidates who do not make it to the Fiscal Year 2015 H-1B visa quota (October 1, 2014 employment start-date or later) have the options to have their H-1B

cap petitions submitted or resubmitted to USCIS on or after April 1, 2015 (October 1, 2015 employment start-date or later) for the Fiscal Year 2016 H-1B visa quota. They can also consider other immigration options such as other nonimmigrant work status and self-petition green card filings, if eligible.

This article is intended for informational purposes only, and should not be relied on as legal advice or attorney-client relationship.

March 31, 2014: By Aik Wan Kok Fillali, Lawyer USA Immigration Services, at Tiya; Tel: 703-772-8224 & koka at tiyalaw dot com; Direct dial from abroad: 001-703-772-8224; https://www.tiyaimmigration.com ; http://tiyalaw.blogspot.com ; http://immigrationresource.net

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