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USCIS Met FY 2019 H-1B Cap

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On April 6, 2018, **USCIS** had **received sufficient H-1B Cap Petitions** for the 2019 fiscal year (FY), to meet the annual **65,000 H-1B work visa cap** and the **20,000 master's cap (U.S.-advanced-degree visa exemption)**.

U.S. Citizenship and Immigration Services (USCIS) began accepting H-1B Cap Petitions on April 2, 2018.

Premium processing for H-1B Cap Petitions cases selected in the lottery system have been **suspended until September 10, 2018**. For prior H-1B cap-seasons, USCIS began premium processing for selected H-1B Cap cases a few weeks after April 1.

H-1B Cap Petitions that are not selected will be rejected and returned with

their filing fees.

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, and each case depends on a position's own set of circumstances necessitating complex legal analysis.

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 2019 FY H-1B visa cap (October 1, 2018 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, 2019 (October 1, 2019 employment start-date or later) for the FY 2020 H-1B Cap. They may also consider other immigration options such as other nonimmigrant work status and self-petition green card filings, if eligible.

For more information on USCIS H-1B Cap selection process, please visit:
<https://www.uscis.gov/news/alerts/uscis-reaches-fy-2019-h-1b-cap>

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This article is intended for informational purposes only, and should not be relied on as legal advice or attorney-client relationship. By **Aik Wan Kok, Lawyer USA Immigration Services, at Tiya**; Tel: 703-772-8224 & info at [tiyaimmigration dot com](http://tiyaimmigration.com); Direct dial from abroad: 001-703-7728224; <http://www.tiyaimmigration.com> ; <http://tiyalaw.blogspot.com> ; <http://immigrationresource.net>



Aik Wan Kok Fillali at Tiya represents companies, employers, individuals and families, located nationwide and internationally, in U.S. Immigration & Nationality Law. We focus on diverse immigration cases such as extraordinary ability; national interest waiver; PERM; green card; N-400 Naturalization; various waivers; H cases; L executive, manager and specialized knowledge professional; E treaty investor/trader; cases with USCIS, U.S. Department of Labor, U.S. Consulates and National Visa Center.

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