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USCIS Met FY 2020 H-1B Cap

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On April 5, 2019, **USCIS had received sufficient H-1B visa cap petitions** for the 2020 fiscal year (FY), to meet the annual **65,000 H-1B visa cap** and the **20,000 H-1B visa master's cap (U.S.-advanced-degree visa exemption)**.

U.S. Citizenship and Immigration Services (USCIS) began accepting H-1B Cap Visa Petitions on April 1, 2019.

H-1B visa 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 may be sponsored for H-1B visas. 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 Visa Cap

Not all H-1B petitions are subject to the visa cap, depending on the types of H-1B petition being filed or entity-sponsor. For examples, when applicable, 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 work visas are approved for three years each time (up to a total of 6 years). Under certain circumstances, H-1B work visas may be extended beyond the 6-year maximum time limitation.

H-1Bs Not Selected or Filed When All H-1B Visa Numbers are Used Up

Potential H-1B candidates who do not make it to the 2020 FY H-1B visa cap (October 1, 2019 employment start-date) have the options to have their H-1B cap visa petitions submitted or resubmitted to USCIS on or after April 1, 2020 (October 1, 2020 employment start-date) for the FY 2021 H-1B visa cap. They may also consider other immigration options such as other temporary or green card status, if eligible.

For more information on USCIS H-1B Cap selection process, please visit:

<https://www.uscis.gov/working-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-fiscal-year-fy-2020-cap-season>



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: 703-772-822four & info at tiyaimmigration dot com; Tel (from abroad): 001-7037728224;

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

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