

## Publications

### *Immigration Alert: Current H-1B Cap Count*

#### Related Attorneys

David W. Cook

Robert A. Harris

Sachiyo Isoda Peterson

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U.S. Citizenship and Immigration Services (USCIS) announced that as of October 21, 2011, it had received approximately 46,200 H-1B cap-subject petitions and 20,000 H-1B petitions for aliens with a U.S. master's degree or higher. These figures represent the number of petitions that USCIS has accepted for each particular type of cap. It includes cases that have been approved or are still pending, and does not include petitions that have been denied.

The current annual cap on the H-1B category is 65,000, with 6,800 visas set aside from the annual cap for the H-1B1 program pursuant to the U.S.-Chile and U.S.-Singapore Free Trade Agreements. However, not all H-1B petitions are subject to this annual cap, including petitions to extend H-1B visa status, petitions to amend existing H-1B visa status, petitions for beneficiaries already in H-1B visa status for other employers, petitions for concurrent employment in a second H-1B position, and petitions filed by certain employers, such as non-profit or government research organizations or institutions of higher education, who are exempt from the cap limitations.

The current annual cap on H-1B petitions for aliens with advanced degrees is 20,000. Because this number has already been fulfilled for this fiscal year, all petitions filed on behalf of beneficiaries who have obtained a U.S. master's degree or higher and are otherwise not exempt will be counted against the regular cap of 65,000.