

Publications

Immigration Alert: H-1B Petitions

Related Attorneys

David W. Cook

Robert A. Harris

Sachiyo Isoda Peterson

CLIENT ALERT | 1.28.2011

U.S. Citizenship and Immigration Services (USCIS) announced late yesterday that it has received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year (FY) 2011 (i.e., October 1, 2010 – September 30, 2011). January 26, 2011 is the final receipt date for new H-1B petitions requesting an employment start date in FY2011. USCIS will reject cap-subject petitions for new H-1B petitions seeking an employment start date in FY2011 that arrive after Jan. 26, 2011.

USCIS will continue to accept and process H-1B petitions that are otherwise exempt from the cap, including extensions of H-1B visa status, amendments of H-1B visa status, new petitions for beneficiaries already in H-1B visa status (change of employer), concurrent employment in a second H-1B position, etc. However, no **new** H-1Bs will be issued prior to October 1, 2011. If your company wishes to file a petition for new H-1B status for any prospective or current employee, it could do so on or after April 1, 2011, for a start date no sooner than October 1, 2011.

Please contact us with any questions.