

Publications

Immigration Alert: Update on April 1 H-1B Filings

Related Attorneys

David W. Cook

Robert A. Harris

Sachiyo Isoda Peterson

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At the beginning of each fiscal year, which starts October 1, the U.S. Citizenship and Immigration Services (USCIS) makes available an allocation of new H-1B visas. The number of these new visas that are available each year is capped at approximately 65,000 (plus an additional 20,000 that are exempt from the cap for individuals with advanced degrees from an accredited U.S. college or university). Applications for these new visas can be filed as soon as April 1. For further information, see our prior [Client Alert here](#).

On March 19, the USCIS announced that it anticipates a large demand for new H-1B visas such that it may receive sufficient applications to exhaust the cap numbers between April 1, 2013, and April 5, 2013.

Because it is anticipated that the cap will be reached in the first five business days of the filing season, it is crucial that all cap-subject H-1B petitions are filed no later than Friday, March 29, 2013 (to be received on April 1).

Additionally, the USCIS announced that the processing of any cap-subject petitions received between April 1, 2013, and April 14, 2013 with a Request for Premium Processing (Form I-907) will not begin until April 15, 2013. This will allow the Service to prioritize the data entry of cap-subject petitions. Although adjudication of such petitions will not begin until April 15, 2013, the petitions should still be filed on March 29, 2013, so it is received before the cap is met. Premium Processing petitions will then be adjudicated within 15 calendar days from April 15, 2013. Petitions that are not subject to the cap will not be affected by this temporary premium processing delay.

Please [click here](#) for the full announcement from the USCIS.