

Prepare to File H-1B Petitions by March 31

February 20, 2014

Employers and foreign nationals should note that the new H-1B quota numbers for fiscal year 2015 will become available on April 1, 2014. Employers should start preparing new cap-subject H-1B cases *immediately* to maximize their chances of being able to hire new H-1B workers. We believe demand for H-1B workers will be high this year and that the 2015 H-1B quota will be exhausted within the first week of filing as occurred last year. If the number of petitions received during the first five business days of April exceeds the annual quota, USCIS will conduct a lottery. Given that demand is likely to far exceed this year's supply of visas, it is imperative that employers file all new quota-subject H-1B petitions on March 31, 2014. Employers should immediately identify employees who will need H-1B visas and start petition preparation. The Labor Condition Application, which is a necessary part of the application, is taking from 7-10 days to process, and employers must take this additional time into consideration to guarantee timely approval and ability to file the H-1B petition on March 31, 2014. Absent immigration reform, the annual limit for H-1B visas will remain at 65,000 for new, cap-subject petitions for fiscal year 2014-2015, with an additional set-aside of 20,000 visas for individuals with advanced degrees from U.S. institutions. There are certain exceptions to the H-1B cap, as well as other visa options that may be available to meet staffing needs, but employers must start planning now to keep all options open.

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