

USCIS Reaches FY 2014 H-1B Cap

April 5, 2013

USCIS has announced that the H-1B Cap for FY 2014 has been reached and a lottery will be conducted for H-1B cap petitions received between April 1 and April 5, 2013.

USCIS issued the following statement:

"U.S. Citizenship and Immigration Services (USCIS) announced today that it has received a sufficient number of H-1B petitions to reach the statutory cap for fiscal year (FY) 2014. USCIS has also received more than 20,000 H-1B petitions filed on behalf of persons exempt from the cap under the advanced degree exemption. After today, USCIS will not accept H-1B petitions subject to the FY 2014 cap or the advanced degree exemption.

USCIS will use a computer-generated random selection process (commonly known as the "lottery") for all FY 2014 cap-subject petitions received through April 5, 2013. The agency will conduct the selection process for advanced degree exemption petitions first. All advanced degree petitions not selected will be part of the random selection process for the 65,000 limit. Due to the high number of petitions received, USCIS is not yet able to announce the exact day of the random selection process. Also, USCIS is currently not providing the total number of petitions received, as we continue to accept filings today. USCIS will continue to accept and process petitions that are otherwise exempt from the cap."

Cases filed under the Premium Processing program will be issued receipts in the week of April 15. Once a receipt is issued it is an indication that the case has been selected in the lottery. It may take a month or longer to receive notification of rejected cases.

Proskauer will continue to update its clients directly and through alerts as to the impacts of the H-1B Cap.