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Immigration eNews

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H-1B Cap Met in Record Time

The U.S. Citizenship and Immigration Services (USCIS) announced yesterday that it has received a sufficient number of H-1B petitions to meet the congressionally mandated cap for fiscal year 2007 (FY 2007). The "final receipt date" for H-1B petitions subject to the FY 2007 annual cap was May 26, 2006. Affected H-1B petitions received on that date will be subject to a random selection process. H-1B petitions subject to the FY 2007 annual cap that are received by the USCIS after the "final receipt date" will be rejected. Additional information regarding the specific number of H-1B petitions processed is available at: www.uscis.gov/graphics/services/tempbenefits/cap.htm

Cap-Exempt Petitions: As directed by the H-1B Visa Reform Act of 2004, the first 20,000 H-1B petitions filed on behalf of foreign nationals with U.S.-earned masters' or higher degrees will be exempt from any fiscal year cap on available H-1B visas. For FY 2007, the USCIS has received approximately 5,830 exempt petitions.

The USCIS also notes that petitions for new H-1B employment are exempt from the annual cap if the foreign national will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or governmental research organization. Therefore, petitions for these exempt H-1B categories may be filed for work dates starting in FY 2006 or 2007.

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