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LEGAL ALERT

H-1B Cap Reached for Fiscal Year 2013

The US Citizenship and Immigration Service (USCIS) announced that as of June 11, 2012, it had reached the statutory cap for both Regular and Master's Degree H-1Bs for Fiscal Year 2013. The current annual cap on the H-1B category is 65,000 and 20,000 for the Master's Degree. The USCIS will reject cap-subject petitions for H-1B specialty occupation workers seeking an employment start date in Fiscal Year 2013 that arrive after June 11.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields, such as engineering, computer programming and science. For more information about the H-1B program, [click here](#).

H-1B Cap Exemptions

USCIS will continue to process these petitions including H-1B amended petitions, H-1B extensions for individuals who have already been counted against the cap within the last six years, DOD cooperative research worker petitions and Chile/Singapore H-1B1 petitions requesting an employment start date in FY 2013.

Planning Ahead for 2014

USCIS will begin accepting new H1-B petitions for the 2014 Fiscal Year on Monday April 1, 2013. There will likely be early filings next year. Cap-subject H-1B petitions should be ready for submission by this date. If U.S. employees are in need of alternative options to the H1B specialty occupation visa, our Immigration Group will strategize with you to reach alternative visa options for your short- or long-term planning. For more information on the Immigration Group, [click here](#).

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