



## Immigration Alert

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### April 1 Deadline for Filing H-1B Visa Petitions Approaches

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As of April 1, 2014, United States Citizenship and Immigration Services (USCIS) will begin accepting H-1B petitions for Fiscal Year 2015 (FY2015). Upon approval, petitions for FY2015 will allow foreign nationals to work for petitioning employers as of October 1, 2014. USCIS will continue to accept new H-1B petitions after April 1, 2014, until the H-1B cap has been reached. However, it is widely expected that USCIS will receive petitions for H-1B visas well in excess of availability during the first five business days of April, at which point USCIS will randomly select the H-1B visas to be processed. Accordingly, we encourage you to identify any employees who may require H-1B sponsorship to maximize the chances of receiving an H-1B visa.

Congress has placed a numerical limit, or “cap,” on H-1B visas. For FY2015, the limit is 65,000, with an additional 20,000 visas available for foreign nationals who have earned a US master’s degree or higher. Although Congress is currently considering comprehensive immigration reform as well as separate measures specifically concerning H-1B workers and the STEM occupations (Science, Technology, Engineering, and Math), no changes have yet been made, and H-1B cap processing will continue as in years past.

If you have responsibility for your firm’s immigration planning and processing and you have already identified H-1B candidates, please initiate the H-1B petition process as soon as possible, keeping in mind that each H-1B petition requires certification by the Department of Labor (DOL) of a Labor Condition Application (LCA), which can take up to seven business days to be certified.

Please contact an attorney with Mintz Levin’s Immigration Practice to discuss any questions you may have about H-1B sponsorship. We will continue to provide updates on the remaining number of H-1B visas as this information becomes available.

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