

Immigration Alert

## It's Time to Prepare H-1B Visa Petitions for Fiscal Year 2016

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This alert is a reminder of the rapidly approaching April 1, 2015 deadline for the filing of H-1B visa petitions for Fiscal Year 2016. Petitions for the new fiscal year, which starts on October 1, 2015, will be accepted by the government beginning April 1, 2015. U.S. Citizenship and Immigration Services (USCIS) will continue to accept new H-1B petitions after April 1, 2015, but only until the H-1B cap is reached. As soon as possible, we encourage you to identify any employees who may require H-1B sponsorship. This year we again expect the cap to be reached as early as the first week of April. Once the H-1B cap has been reached, employers will be unable to file new cap-subject H-1B petitions until April 1, 2016.

Congress has placed a numerical cap on H-1B visas. For FY 2016, the limit is 65,000 cap-subject H-1B visas, with an additional 20,000 visas available for individuals who have earned a master's degree or higher from an accredited U.S. educational institution. There is no way to predict when this year's H-1B quota will be exhausted, but due to the improving economy, it is likely to be reached within the first week. We therefore advise employers to make H-1B sponsorship decisions within the next few weeks. It is important to prepare H-1B petitions as early as possible and well before April 1 so that a complete petition can be submitted to USCIS on the first day that the quota opens.

We will work with you to file H-1B petitions right up until April 1, and afterward, for as long as H-1B visas are available. We strongly advise clients to finalize their H-1B petition decisions by February 14, 2015. Each petition requires certification by the Department of Labor (DOL) of a Labor Condition Application (LCA). DOL regulations allow for up to seven working days to certify an LCA. It is therefore important to commence work on new H-1B petitions as soon as possible.

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**Please contact an attorney with Mintz Levin's Immigration Practice for additional information regarding the H-1B visa program, or if you have a particular candidate in mind for H-1B status.**

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