

Immigration Alert

USCIS Completes the H-1B Cap Lottery Selection Process for Fiscal Year 2016

04.13.2015

BY [KEVIN MCNAMARA](#)

As previously noted, US Citizenship and Immigration Services (USCIS) announced on April 7, 2015, that it had received enough H-1B petitions to reach the statutory cap of 65,000 visas for fiscal year (FY) 2016. USCIS also received more than the limit of 20,000 H-1B petitions filed under the US advanced degree exemption, also known as the masters cap. In fact, USCIS received nearly 233,000 H-1B petitions in total during this filing period from April 1 through April 7, 2015.

On April 13, USCIS used a computer-generated random selection process, or lottery, to select enough petitions to meet the 65,000 general-category cap and the 20,000 masters cap under the advanced degree exemption. USCIS will reject and return all unselected petitions with their filing fees, unless the petition is found to be a duplicate filing.

USCIS conducted the selection process for the masters cap advanced degree exemption petitions first. All unselected advanced degree petitions then became part of the random selection process for the general cap of 65,000.

USCIS has stated that it will begin to receipt and adjudicate selected H-1B cap cases that were filed under their premium processing program no later than May 11, 2015. There is no indication yet as to when other selected petitions will be processed.

USCIS will continue to accept and process H-1B petitions that are otherwise exempt from the cap. Petitions filed on behalf of current H-1B workers who have been counted previously against the cap are exempt. USCIS will also continue to accept and process petitions filed to:

- Extend the amount of time a current H-1B worker may remain in the United States;
- Change the terms of employment for current H-1B workers;
- Allow current H-1B workers to change employers; and
- Allow current H-1B workers to work concurrently in a second H-1B position.

Please contact an attorney with Mintz Levin's Immigration Practice to discuss any questions you may have about H-1B sponsorship or alternatives to the H-1B visa.



Kevin McNamara, Member

RELATED PRACTICES

- ▶ [Immigration](#)
- ▶ [Corporate Policies, I-9 Compliance & E-Verify Compliance](#)
- ▶ [Corporate & Securities](#)
- ▶ [Employer-Sponsored Visas & Green Cards](#)
- ▶ [Permanent Resident Status](#)
- ▶ [Obtaining US Citizenship](#)
- ▶ [Accomplished Individuals & Families](#)
- ▶ [Temporary Visas](#)

RELATED BLOGS

- ▶ [Immigration Law](#)