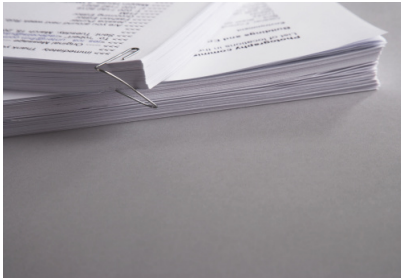


Breaking News: 65,000 H1-B Visas To Be Released on April 1, 2014

Written by U.S Immigration News
Friday, 07 March 2014 23:46 -



The U.S. Immigration News is happy to announce that on April 1, 2014, the U.S. Citizenship and Immigration Services (USCIS) will begin accepting H-1B petitions subject to the fiscal year (FY) 2015 cap. Cases will be considered accepted on the date that USCIS takes possession of a properly filed petition with the correct fee; not the date that the petition is postmarked.

The fiscal year cap (numerical limitation on H-1B petitions) for FY 2015 is 65,000. Additionally, the first 20,000 H-1B petitions filed on behalf of individuals who have earned a U.S. master's degree or higher are exempt from the H-1B cap.

The USCIS will monitor the number of petitions received and will notify the public of the date on which the USCIS received the necessary number of petitions to meet the H-1B cap. If needed, USCIS will randomly select the number of petitions required to reach the numerical limit from the petitions received on the final receipt date. But the USCIS will reject cap-subject petitions that are not selected, as well as those received after the final receipt date.

Petitions for new H-1B employment are exempt from the annual cap if the beneficiaries will work at institutions of higher education or related or affiliated nonprofit entities, nonprofit research organizations or governmental research organizations.

Please note that any student who transitioned from F-1 student visa to OPT employment authorization is allowed to renew the employment authorization card and continue to work until the H1-B kicks in provided the petition was timely filed.

Petitions filed on behalf of current H-1B workers who have been counted previously against the cap also do not count towards the congressionally mandated H-1B cap.

Accordingly, the USCIS will continue to 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; or

allow current H-1B workers to work concurrently in a second H-1B position.

H-1B petitioners should follow all statutory and regulatory requirements as they prepare petitions to avoid delays in processing and possible requests for evidence. 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 scientists, engineers, or computer programmers.

As stipulated above, the yearly scramble for the H1-B visas has begun. All prospective candidates are advised to submit their applications timely. The practice now is for the visas to be exhausted within few days upon its release on April 1 of every year. Due to the ongoing economic recovery in the country, the numbers were exhausted within a week last year. This situation might be the same this year.

Please note that not all aliens in the United States are qualified to receive H1-B visas. To be eligible, you must be in status, have an employer who is willing and ready to petition for you and you must be qualified for the position in question with at least a bachelor degree.

The best candidates for H1-B visas are those who have optional training work permit after graduation from college, those who are new in the United States and have valid I-94 and those outside the United States who have U.S. employers willing to petition for them.

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According to Wikipedia, the free encyclopedia, "the H-1B is a non-immigrant visa category provided for in the Immigration & Nationality Act, section 101(a)(15)(H) that allows [American](#) companies and universities to temporarily employ foreign workers who have the equivalent to a US

[Bachelor's Degree](#)

. H-1B employees are employed temporarily in a job category that is considered by the

[U.S. Citizenship & Immigration Services](#)

to be a "specialty occupation". A specialty occupation is one that requires theoretical and practical application of a body of specialized knowledge along with at least a bachelor's degree or its equivalent. For example,

[architecture](#)

[engineering](#)

[mathematics](#)

[physical sciences](#)

[social sciences](#)

[medicine](#)

and health,

[education](#)

[business](#)

specialties,

[accounting](#)

[law](#)

[theology](#)

, and

[the arts](#)

may be considered specialty occupations.

Currently the number of H-1B visas issued per year is limited to 65,000 with an additional 20,000 for those with U.S. graduate degrees and no limit for universities and non-profit and government research laboratories.

Under the current law, an alien can be in the H-1B status for a maximum period of six years at a

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time. After that time an alien must remain outside the United States for one year before another H-1B petition can be approved. Certain aliens working on Defense Department projects may remain in the H-1B status for 10 years. In addition, certain aliens may obtain an extension of H-1B stay beyond the 6-year maximum period, when: 365 days or more have passed since the filing of any application for perm Certification, that is required or used by the alien to obtain status as an employment-based immigrant, or 365 days or more have passed since the filing of an employment based immigrant petition.”

The race is about to begin again for potential employees and employers to grasp their own share of the 65,000 H1-B visas that will be released on or about April 1, 2014. In preparation for the release of these visas, small business owners are particularly at a great disadvantage. The new style is that petitioners file and pay for premium processing. The expense for obtaining one of these visas is particularly huge. Begin your preparations now.

If you are a young graduate currently using optional training (opt) employment authorization card and your employer is willing to file for you, it is time to start talking to a qualified immigration attorney in order to begin the process. You will need to obtain the prevailing wage from the U.S. Department of Labor immediately.

In your selection of an attorney, it is imperative to confirm that the attorney has successfully obtained an H1-B visa before. The reason is that there is no room for error. Some of the fees to be paid vary depending on many factors and the number of employees your employer has. If the attorney is not familiar with the process, it is very easy to make mistakes. Once your petition is rejected because of a blunder, the cap might be reached before you return the package with the correct amount or information to the U.S. Citizenship & Immigration Services for processing.

Finally, it is important to point out that not all H1-B petitions are subject to the 65,000 Cap. As directed by the H-1B Visa Reform Act of 2004, the first 20,000 H-1B petitions filed on behalf of aliens with U.S.-earned masters' or higher degrees will be exempt from any fiscal year cap on available H-1B visas. USCIS also notes that petitions for new H-1B employment are exempt from the annual cap if the aliens will be employed at institutions of higher education or a related or affiliated nonprofit entities, or at nonprofit research organizations or governmental research organizations.

This article is for your information only. It is not legal advise and cannot be substituted for legal

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counsel from your attorney. If you need further assistance please feel free to contact, Attorney Famuyide @ jfamuyide@aol.com or call 718-647-6767 for appointment.

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