



U.S. Citizenship and Immigration Services

H-1B Fiscal Year (FY) 2012 Cap Season

The H-1B Program

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.

For more information about the H-1B program, see the link to the left under temporary workers for H-1B Specialty Occupations and Fashion Models.

How USCIS Determines if an H-1B Petition is Subject to the FY 2012 Cap

We use the information provided in Part C of the H-1B Data Collection and Filing Fee Exemption Supplement (Form I-129, pages 17 through 19) to determine whether a petition is subject to the 65,000 H-1B numerical limitation (the “cap”). Some petitions are exempt from the cap under the advanced degree exemption provided to the first 20,000 petitions filed for a beneficiary who has obtained a U.S. master’s degree or higher.

FY 2012 H-1B Cap Count

| Cap Type | Cap Amount | Cap Eligible Petitions | Date of Last Count |
|-------------------------|------------|------------------------|--------------------|
| H-1B Regular Cap | 65,000 | 7,100 | 4/15/2011 |
| H-1B Master’s Exemption | 20,000 | 5,100 | 4/15/2011 |

Cap Eligible Petitions

This is the number of petitions that USCIS has accepted for this particular type of cap. It includes cases that have been approved or are still pending. It does not include petitions that have been denied.