USCIS to Accept H-1B Petitions for Fiscal Year 2014 on April 1, 2013

Premium Processing for Cap-Subject H-1B Petitions to Begin April 15, 2013

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WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it will begin accepting H-1B petitions subject to the Fiscal Year (FY) 2014 cap on Monday, April 1, 2013. Cases will be considered accepted on the date that USCIS receives a properly filed petition for which the correct fee has been submitted; not the date that the petition is postmarked.

The cap (the numerical limitation on H-1B petitions) for FY 2014 is 65,000. In addition, the first 20,000 H-1B petitions filed on behalf of individuals with U.S. master's degree or higher are exempt from the fiscal year cap of 65,000.

Based on feedback from a number of stakeholders, USCIS anticipates that it may receive more petitions than the H-1B cap between April 1, 2013 and April 5, 2013. USCIS will monitor the number of petitions received and notify the public of the date on which the numerical limit of the H-1B cap has been met. This date is known as the final receipt date. If USCIS receives more petitions than it can accept, USCIS will use a lottery system to randomly select the number of petitions required to reach the numerical limit. USCIS will reject petitions that are subject to the cap and are not selected, as well as petitions received after it has the necessary number of petitions needed to meet the cap. The lottery for the H-1B cap was last used in April 2008.

In addition, H-1B cap cases can continue to request premium processing concurrently. Due to the historic premium processing receipt levels, combined with the possibility that the H-1B cap will be met in the first 5 business days of the filing season, USCIS has temporarily adjusted its current premium processing practice. To facilitate the prioritized data entry of cap-subject petitions requesting premium processing, USCIS will begin premium processing for H-1B cap cases on April 15, 2013. For more information on premium processing for FY 2014 cap-subject petitions, please see the USCIS Alert .

H-1B petitioners should follow all statutory and regulatory requirements as they prepare petitions, in order to avoid delays in processing and possible requests for evidence. USCIS has developed detailed information, including an optional checklist to assist in the completion and submission of a FY2014 H-1B petition. The processing worksheet is available on the USCIS website, www.uscis.gov.

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields, including, but not limited to, scientists, engineers, and computer programmers.

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For more information on the H-1B nonimmigrant visa program and current Form I-129 processing times, visit the H-1B FY 2014 Cap Season Web page or call the National Customer Service Center at (800) 375-5283.

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Plug-ins

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