

ALERTS AND UPDATES

H-1B Cap Update

November 8, 2011

Employers may continue to file H-1B cap petitions for employment in fiscal year 2012; however, quota usage has accelerated since the advanced-degree exemption is no longer available. U.S. Citizenship and Immigration Services (USCIS) released yesterday that as of November 2, 2011, 50,800 H-1B cap petitions have been reached against the congressionally mandated cap of 65,000. Up to 6,800 visas are set aside from the cap of 65,000 during each fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.–Chile and U.S.–Singapore free trade agreements.

With approximately 7,400 visas still remaining, it is anticipated that based upon the current rate of usage, the quota could be met within four weeks. Employers considering additional H-1B hires should take prompt action to ensure acceptance of their petitions. Once the fiscal year 2012 quota is reached, employers must wait until April 1, 2012, to submit new petitions for employment that can only commence with the start of the next government's fiscal year (on October 1, 2012).

For Further Information

If you have any questions about this *Alert*, please contact any of the [attorneys](#) in our [Employment, Labor, Benefits and Immigration Practice Group](#) or the attorney in the firm with whom you are regularly in contact.

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