



## Special Immigration Alert: H-1B Cap Reached for Fiscal Year 2012

On November 23, 2011, U.S. Citizenship and Immigration Services ("USCIS") announced that it had received a sufficient number of new H-1B petitions on November 22, 2011, to reach the statutory cap for fiscal year 2012 (October 1, 2011, through September 30, 2012). Under these circumstances, the USCIS indicated that November 22, 2011, was the final receipt date for new H-1B petitions requesting an employment start date in fiscal year 2012, and that the final receipt date would be the date on which it physically received the petition, not the date on which the petition was postmarked. The USCIS notice also stated that the agency will reject any cap-subject H-1B petitions that arrive after November 22, 2011, and return them with the accompanying fee.

Please note that the USCIS will continue to accept and process H-1B petitions from employers who are cap-exempt. In addition, the USCIS will continue to accept and process H-1B petitions that relate to foreign nationals who are in H-1B status and already have been counted against the cap in this or a prior year. Finally, the USCIS will continue to accept and process petitions filed to: (a) extend the time a current H-1B worker may remain in the United States; (b) change the terms of currently approved H-1B employment; (c) allow current H-1B workers to change employers; or (d) allow a current H-1B worker to accept concurrent H-1B employment.

For more information, or if you have questions regarding how this might affect you, your employees, or your organization, please contact one of the following members of the Immigration Law Group at Epstein Becker Green:

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