

Practice Areas

BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries:

- Australia
- Chile / SingaporeE-1

E-1 Visas

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PERM Labor Certification

HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

FAMILY

Spouse / Fiancée Visas

Permanent Residence for Family
within U.S.

Naturalization /Citizenship

AMNESTY

Update: H-1B Foreign Worker Slots Closed for FY 2012

December 22nd, 2011 by [admin](#)

On November 23, 2011, the U.S. Citizenship and Immigration Services (the "USCIS") announced that it had received enough H-1B nonimmigrant visa applications to reach the fiscal year 2012 statutory cap of 65,000 H-1B visas for those individuals who are subject to the cap. USCIS had previously announced that it had received enough applications to process the 20,000 H-1B cap-exempt visas that are set aside for individuals who have obtained "advanced" (U.S. Masters or higher) degrees.

However, the USCIS will continue to accept and process H-1B petitions filed to:

- Extend the amount of time a current H-1B worker may remain in the U.S.;
- Change the terms of employment for current H-1B workers;
- Allow current H-1B workers to change employers; and
- Allow current H-1B workers to work concurrently in a second H-1B position.

U.S. companies 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.

Employers might want to consider preparations in 2012 for filing a petition to sponsor H-1B workers for fiscal year 2013, which starts as of Oct. 1, 2012. Petitions for worker start dates on or after Oct. 1, 2012 may be filed on or after April 1 of the coming year.

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Petitions should be filed as soon as possible in order to avoid being shut down by the annual cap limitation for the H-1B program (cap amount of 65,000 expected for FY 2013).

Some petitions for fiscal year 2013 will be exempt from the cap if they are made on behalf of certain individuals who have obtained an advanced U.S. degree, but USCIS grants the exemption only to the first 20,000 applications.

H-1B petitions, in order to be properly filed, must be complete and accurate. Necessary documents include, but are not limited to the following:

- A Form I-129 petition with appropriate supplements;
- Labor condition applications on Form ETA 9035;
- Required evidence of a beneficiary's educational background;
- Duplicate copies of certain documents; and
- Consulate-specific forms required by the Department of State where appropriate.

If you are in need of more information about business immigration, please check the pertinent section of [our Website](#) or call our offices at (847)564-0712.