

FEBRUARY 3, 2014 BULLETIN TO ALL IMMIGRATION CLIENTS
REMINDER: FY 2014-2015 H-1B Visa Availability

Please remember that **April 1, 2014**, is the earliest date that the U.S. Citizen and Immigration Services (CIS) will accept petitions for H-1B visas subject to the 2014-2015 fiscal year (FY 2015) quota. Demand for new H-1B visas is likely to be even greater than last year and the quota is expected to be reached within the first week of filing (as it was last year). As a result, we urge you to **contact us immediately if you will seek FY 2015 H-1B visas and/or you believe one of your cases may be subject to the FY 2015 H-1B cap.**

During the last cap filing season, USCIS received approximately 124,000 petitions for the 65,000 (plus 20,000 for recipients of advanced degrees from U.S. universities) available visas and competition is expected to be even stronger for FY 2015. Employers should plan to submit H-1B cap petitions during the first five (5) business days of April to maximize chances of access to the limited number of new H-1B visas available every year.

Employers should also seek labor condition applications (LCAs) from the Department of Labor as early as possible. The expected heavy volume of LCA filings during the first quarter of 2014 could cause processing slowdowns at the Department of Labor (DOL). Accordingly, employers should seek LCAs from the DOL as soon as possible. Obtaining LCAs early will help avoid delays and ensure readiness to file H-1B cap cases when the season opens. Although filing an LCA with the DOL prior to April 1, 2013 will result in a shorter initial period of employment for new H-1B beneficiaries and will require earlier extension filings, such considerations are outweighed by the advantage of having an LCA in hand well before the cap filing season.

Please note that the cap applies only to petitions for new H-1B visas, including petitions to change/convert from F-1 or L-1 to H-1B status. **The following are not subject to the cap**, i.e., the CIS will continue to accept H-1B petitions filed to:

- Extend the amount of time a current H-1B worker may remain in the United States;
- Change the terms of employment for current H-1B workers;
- Allow current H-1B workers to change employers (unless the worker seeks to change from “cap-exempt” H-1B employment to non-cap-exempt H-1B employment); and
- Allow current H-1B workers to work concurrently in a second H-1B position.

The CIS will also continue to accept petitions for new H-1B employment where the petitioner/employer is not subject to the annual cap. To qualify as a “cap exempt” petitioner, the employer must be: (i) an institution of higher education or a related or affiliated nonprofit entity; (ii) a nonprofit research organization; or (iii) a governmental research organization.

Please contact any member of the Cohen & Grigsby Immigration Department if you have any questions regarding the above at 412.297.4900. To receive future bulletins by e-mail, please send an e-mail to info@cohenlaw.com.

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