

One Minute Memo[®]



H-1B Quota Reached

On April 10, 2008, United States Citizenship & Immigration Services (USCIS) announced that it received sufficient H-1B petitions to meet both the Master's and regular H-1B quotas (or "caps") for Fiscal Year 2009, which begins on October 1, 2008. USCIS received nearly 163,000 H-1B petitions. Over 31,200 of these petitions were filed under the Master's cap, and the remainder in the regular H-1B cap. USCIS will use a random selection process for all cap-subject filings received from Tuesday, April 1 through Monday, April 7, 2008 to determine which filings will be adjudicated.

USCIS will apply the lottery process first to cases subject to H-1B Master's cap, which sets aside 20,000 H-1B visas for holders of U.S. Master's degrees or higher degrees. Any Master's cap petitions not selected in the Master's lottery will be eligible for selection in the regular H-1B lottery, effectively providing two opportunities for an H-1B visa. Based on the timing of last year's lottery system, USCIS should provide lottery results by mid-May.

For additional background information on the H-1B visa program and the cap, click on the links to view our previous One Minute Memos titled "[H-1B Work Permit Filings: Will You Beat the Cap?](#)" and "[H-1B Cap Extended.](#)"

If you have any questions regarding this One Minute Memo, please contact the Seyfarth Shaw attorney with whom you work, or any immigration attorney on our website, www.seyfarth.com.

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