

Management Alert



H-1B Quota Reached

By Jason E. Burritt and Michelle Gergerian

On April 7, 2014, 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 2015, which begins on October 1, 2014. This means that USCIS received more than 85,000 H-1B petitions in the first week of filing, and that more than 20,000 of these petitions were filed under the Master's H-1B cap. USCIS will use a computer-generated random selection process for all cap-subject filings received from Tuesday, April 1 through Monday, April 7, 2014 to determine which filings will be adjudicated.

USCIS will apply the lottery process first to cases subject to the 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. USCIS has not announced the timing for releasing lottery results, but we expect this to begin happening in mid-April.

For additional background information on the H-1B visa program and the cap, please see our previous Client Alert titled "*H-1B Work Permit Filings: Will You Beat the Cap?*"

Jason E. Burritt is a partner in Seyfarth's Washington D.C. office and *Michelle Gergerian* is an associate in the firm's Boston office. If you would like further information, please contact your Seyfarth Shaw LLP attorney, *Jason E. Burritt* at jburritt@seyfarth.com or *Michelle Gergerian* at mgergerian@seyfarth.com.

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