

H-1B Filing Season is Upon Us

PUBLISHED ON

January 20, 2015

On April 1, 2015, the United States Department of Homeland Security's Citizen and Immigration Services will begin accepting applications for the H-1B visa, a non-immigrant visa that permits employment of certain foreign workers in specialty occupations. Only a limited number of H-1B visas, however, are available each year. This year, the Congressionally-mandated quota is 65,000 H-1B visas, with an additional 20,000 visas reserved for applicants who hold U.S. master's degrees or higher. A limited number of employers-higher educational institutions, nonprofit entities affiliated with higher educational institutions, and nonprofit and government research organizations-are exempt from the quota, as are certain foreign nationals, such as those who have previously been granted H-1B status and physicians who have received "Conrad 30" waivers. To have the best chance of obtaining an H-1B visa, it is best to have the H-1B petition filed on the earliest possible date, April 1, 2015. Last year, both the H1-B visa cap and the U.S. master's degree cap were reached on April 7, 2014 (five days after USCIS began receiving applications). If companies file for the visa at the same rate they have in the past, we expect that the quota will be reached the first day this year. With each passing day after April 1, the risk increases that an employer will not obtain an H-1B visa. Therefore, we recommend starting the H-1B process as soon as possible. Starting the application process now gives the necessary time to complete the proper forms, draft support letters, obtain a certified Labor Condition Application, and collect all evidence necessary to prove the position's specialized nature. If you have any questions about the H-1B visa process, or would like to discuss appropriate alternatives to the H-1B visa category, please contact Attorney [Silas Ruiz-Steele](#), Chair of the Immigration Law Group, at 610-898-7153 or sruizsteele@barley.com.

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