

H-1B Visas: File Now or Forever Hold Your Peace?

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Every year around this time employers subject to the H-1B visa cap start considering whether to file petitions for highly skilled workers from foreign countries. This year employers should think twice before putting that decision off until next year. Changes are coming that will alter the application process in 2019 and beyond.

President Donald Trump has routinely criticized the H-1B program, a work visa for highly-specialized jobs that require at least a bachelor's degree in a specific field of study. And last year the U.S. Department of Homeland Security unsuccessfully tried to implement new requirements for entry-level H-1B workers without going through the normal regulation-making process. So it wasn't surprising to see reform of the H-1B visa program listed as one of the administration's top priorities when it released the list of regulations it intends to adopt in 2018.

While there won't be any revisions to the H-1B process this year, 2019 could see big changes. What will those changes look like? The administration hasn't said. But rumors suggest the new regulations might restrict the H-1B program to employers who go through a pre-registration process. The administration also might try to limit the program to the [most highly skilled and most highly paid](#) employees and eliminate the H-4 work visa for [spouses of H-1B visa holders](#). Nothing, however, has been finalized for 2019.

As for this year, the number of available H-1B visas will remain at 65,000 for most employers. Every year employers file enough applications to exhaust that limit within days after the department starts accepting applications on April 1. The application process is time-consuming, requiring support letters, the acquisition of a certified Labor Condition Application, and collection of all evidence needed to prove the position's specialized nature. With the possibility of sweeping changes to the process, it's imperative that employers who intend to apply for H-1B visas this year start the process now so that they are ready to file their applications on April 1.

Want to find out if the H-1B visa process is right for your company? [Contact me](#) or anyone in [Barley Snyder's Immigration Practice Group](#).

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