

News & Types: Immigration Alerts

IMMIGRATION ALERT: H-1B CAP RANDOM LOTTERY COMPLETED FOR FISCAL YEAR 2016

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Practices: Immigration

H-1B CAP RANDOM LOTTERY COMPLETED FOR FISCAL YEAR 2016

The US Citizenship and Immigration Services (USCIS) has announced that it had completed receipting of all H-1B petitions that were selected in the H-1B cap for fiscal year 2016. Similarly to last fiscal year, the cap was reached within the first week that the statutory cap opened. The USCIS received 233,000 petitions, more than the statutory cap of 65,000 visas for the regular quota and the additional 20,000 allotted for individuals who earned a U.S. Master's degree or higher. When the USCIS receives too many petitions for the limited number of visas available per fiscal year, it conducts a random, computer-generated lottery to choose which petitions it will accept and process.

All petitions that were not selected in the quota will be returned via regular mail to the mailing address listed on the petition within the next month. These returned petitions will include uncashed government filing fee checks. Employers should not assume that their petition was not selected in the quota until the employer receives an unprocessed petition in the mail. Employers can evaluate other work visa options, if any are available, for these individuals who were not selected in the quota.