



## USCIS Conducts Lottery After FY2015 H-1B Cap Reached

On April 10 2014, the USCIS announced that the agency has received approximately 172,500 H-1B petitions during the initial filing period, including petitions filed for the advanced degree exemption. The USCIS started accepting FY2015 H-1B cap petitions on April 1, 2014 and stopped processing them five business days later on April 7, 2014 when the agency announced that the FY2015 H-1B cap had been reached. On April 10, 2014, the USCIS used a computer-generated lottery to select the H-1B petitions for the capped visa allotments of 65,000 for the general category and 20,000 under the advanced degree exemption limit. The agency conducted the selection process for advanced degree exemption petitions first. All advanced degree petitions not selected during the initial lottery were part of the random selection process for the 65,000 limit. For cap-subject petitions that were not randomly selected, the agency stated that it will reject and return the petition with filing fees, unless it is found to be a duplicate filing. USCIS will continue to accept H-1B petitions that are not subject to the cap.

In 2013, the USCIS received 124,000 cap-subject petitions. There was no lottery from 2009 to 2012 due to a downturn in the U.S. economy, although the H-1B numbers were exhausted each of those years. Prior to this, in 2008 the agency received 163,000 petitions within five days. With the cap being met so quickly, U.S. employers have no guarantee they can hire the much needed skilled workers. This year's lottery confirms that the demand for high-skilled workers far exceeds the supply and demonstrates the current system is outdated and broken. Clearly immigration reform is needed to revamp the H-1B program.

USCIS indicated they will start processing the premium processing H-1B petitions selected in the lottery no later than April 28, 2014. Today, GT has already received receipt notices for some FY2015 H-1B cap cases that were filed via premium processing and will notify employers quickly once we have either a receipt notice or a rejection of the filing. Given the high number of applications received, the casualties of those not receiving an H-1B number will be high. GT will continue to monitor this situation but recommends employers conduct a review and assessment of alternative options for any employee not

selected in this year's cap. For additional information about the H-1B cap or a particular H-1B case, please contact your GT Attorney.

This *GT Alert* was prepared by **Kristin Bolayir\***. Questions about this information can be directed to the GT Attorneys listed below.

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