

ALERTS

Immigration Alert - The Rush To File H-1B Visa Petitions For The Next Fiscal Year Quota Starts April 1, 2013

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In less than three months, the fiscal year 2014 H-1B quota filing starts on April 1, 2013. This applies primarily to first time H-1B applicants but also to those who already have H-1B status and wish to change jobs from a quota-exempt employer to a quota -subject employer. The actual employment start date in H-1B status cannot be prior to Oct. 1, 2013, the date when the FY 2014 H-1B quota goes into effect.

Please note that with an improving economy the rush to file on April 1 in an attempt to secure a visa before the quota is depleted is expected to be even greater than last year. The H-1B quota for fiscal year 2014 will be limited to 65,000 visas with an additional 20,000 visas for graduates of U.S. institutions of higher education with a master's degree or higher. The quota has been met quickly in years past and it is possible that this year it will be met in a matter of weeks, if not days. Now is the time to review your visa-dependent staff, including students on OPT who will need an H-1B visa in order to continue employment after their OPT expires. A prudent approach would be to contact immigration counsel no later than the end of January to allow for all the documents and steps in the process to be completed in preparation of an April 1, 2013 filing date.

For more information, contact the Barnes & Thornburg attorney with whom you work, or Mariana Richmond, chair of the firm's Immigration Practice Group, at (317) 231-7476 or mariana.richmond@btlaw.com.

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