

PUBLICATION

H-1B Caps Not Reached in First Days

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USCIS did not receive enough H-1B petitions to use up the 85,000 slots available for work to begin on October 1, 2009. This means that all petitions successfully filed in the first five days (through April 7, 2009) will be given a slot

For petitions filed during the initial 5-day window using "premium processing," the 15 day period for adjudication began on April 7.

USCIS has stated that, as of April 9, it has received petitions for almost all of the 20,000 "exemption" for workers with a masters degree or higher from a U.S. institution, but it has received only 42,000 against the 65,000 cap for all other H-1B workers. Employers wishing to file petitions should submit them as quickly as possible. Once the cap is reached, the petitions received on the day that either cap is reached will be placed in a random selection for that cap, but no petitions received on prior days will be forced into the random selection.