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It's Time to Plan for Filing H-1B Petitions for Foreign National Workers

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U.S. Citizenship and Immigration Services (USCIS) will begin accepting H-1B petitions for fiscal year 2018 on April 1, 2017. Although changes in immigration law are possible with the new administration, U.S. employers with current or prospective foreign national employees who may require H-1B sponsorship should plan to meet this spring deadline. Now is the time to begin planning for new H-1B petitions.

What Is H-1B Classification?

H-1B classification provides work authorization to foreign nationals seeking long-term, temporary positions in "specialty occupations" with U.S. employers. A specialty occupation is one that requires theoretical or technical expertise in a specialized field and a bachelor's or advanced degree.

Each year, USCIS makes available 85,000 new H-1B visas. Applications for the available H-1B visas are usually accepted through the first week of April, though employment under those visas cannot commence before the new fiscal year begins on October 1.

Last year, employers filed more than 236,000 H-1B petitions on behalf of foreign national employees. The number of petitions is expected to far exceed the 85,000 available visas again this year.

What About the New Administration?

While individual legislators have recently proposed changes to the H-1B program, those changes are nascent, and the incoming administration has not released specifics on any planned changes to the employment-based visa system. The new administration has been focused on undocumented

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immigrants, leaving reform of the employment-based visa system on the back burner for now.

What This Means to You

Businesses that would like to employ foreign national individuals who will need to change their immigration status to H-1B should start planning now to file H-1B petitions by April 1. These individuals may include those already working pursuant to time-limited Optional Practical Training (OPT) after graduating from a U.S. college or university, as well as prospective employees who will require sponsorship.

Timing is crucial; it is unlikely that applications received after the first week of April 2017 will be accepted for consideration this year.

Contact Us

For more information or to get started on an H-1B filing, please contact Husch Blackwell Immigration attorneys Toni Blackwood, Kelli Stout or Tiffany Hutchens.

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