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Deadline Approaching to File 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 2017 on April 1, 2016. U.S. employers should identify current and potential foreign national employees who may require H-1B sponsorship and file petitions for them by April 1.

H-1B Visas in Demand

Each government fiscal year beginning October 1, USCIS makes available 85,000 new H-1B visas. Applications for the available H-1B visas are accepted the first week of April. H-1B employment cannot commence before October 1.

Last year, USCIS received almost 233,000 H-1B petitions during the filing period and conducted a random lottery to select the petitions that would be processed. The number of petitions is expected to exceed the 85,000 cap again this year.

H-1B classification provides work authorization to foreign nationals seeking long-term, but temporary, positions in a “specialty occupation” with U.S. employers. A specialty occupation is defined as a position that requires theoretical or technical expertise in specialized fields and a bachelor’s degree or higher. Our recent blog post provides more detail on the H-1B classification.

What This Means to You

Employers should start the H-1B planning process now. Employers with employees who need to change their immigration status to H-1B for any reason, including those working pursuant to time-limited Optional Practical Training (OPT), should plan to file H-1B petitions to retain those employees beyond the expiration of their work authorization, as the timing of filing a new

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H-1B petition is critical to their retention. Unless your organization is exempt from the H-1B cap, any petitions filed after the first week of April will likely be rejected.

Save the Date!

Join us in February for our two-part “H-1B Bootcamp” webinar series where we will take you through a 30-minute Jumpstart and 60-minute Advanced session on H-1B topics.

Register for Jumpstart
February 4, Noon – 12:30 p.m. CST

Register for Advanced
February 16, Noon – 1:00 p.m. CST

Contact Us

For more information or to get started on an H-1B filing, contact Husch Blackwell attorneys Toni Blackwood at 816.983.8152 or Kelli Stout at 816.983.8309.

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