
H-1B Filing Season to Begin April 1, 2015

Feb 20, 2015

H-1B Filing Season to Begin April 1, 2015 - Lottery is Anticipated

Employers are reminded to identify new candidates who will require new H-1B sponsorship as soon as possible to ensure that these applications are accepted for processing. April 1, 2015 is the first date that an employer is able to file an H-1B petition on behalf of a foreign national who has not possessed H-1B status before. Employees with approved H-1B petitions will be able to begin work in that status on October 1, 2015. All new H-1B applications must be received by USCIS between April 1st and April 7th. All cases received during these dates will be treated as received on April 1st.

The H-1B is a frequently used temporary work visa for professional positions. Generally, there are only 65,000 H-1Bs available per year. There are an additional 20,000 H-1Bs available for candidates with a Master's Degree or higher from a US university. If USCIS receives more than enough petitions in the first five days of processing, there will be computer generated random selection process to choose which H-1B petitions will be accepted for processing. In 2014, USCIS received about 172,500 applications in the first five days of processing and a lottery was held to select the 65,000 H-1B visas and additional 20,000 H-1B Master's Degree visas. It is anticipated that a lottery will occur in 2015 as well.

Foreign nationals who work for a non-profit research organization, an institution of higher education, or work furthering the purposes of either of these, or who have used a cap subject H-1B in the past six years, are exempt from the H-1B quota. For more information on H-1Bs, see the Clark Hill website.

Visa Priority Dates - February 2015 Visa Bulletin

The February Visa Bulletin has been posted. The priority date for employment based second cases (EB-2) for China is at March 15, 2010 and EB-2 India is at September 1, 2005. Priority dates for employment based third cases (EB-3) for China is at September 1, 2011. EB-3 India is at December 22, 2003. For a summary of priority dates, retrogression, and how these dates impact US green card processing, please visit the Clark Hill website.

Change in US Consulate in Canada's Visa Appointment System

On February 1, 2015, the US Consulate in Canada upgraded their online visa appointment system. The new Online Appointment System provides the most updated availability for appointments for individual visa categories.

For questions related to this update, please contact a member of Clark Hill's Immigration Law Group or visit clarkhill.com.