

FY 2011 H-1B Cap Reached

January 28, 2011

The U.S. Citizenship and Immigration Services (USCIS) announced that it received a sufficient number of H-1B petitions on January 26, 2011 to reach the annual cap limit for fiscal year (FY) 2011. USCIS will reject cap-subject petitions received after January 26.

For petitions received on January 26, USCIS will apply a computer-generated random selection process to select the remaining petitions needed to meet the cap. It will reject and return those petitions not randomly selected and all cap-subject petitions received after January 26 with the accompanying fees. USCIS will continue to accept and process petitions that are otherwise exempt from the cap, including H-1B petitions filed on behalf of foreign nationals who (1) have previously held H-1B status in the last six years, (2) have not used up their entire six years of H-1B status, or (3) will be employed at an institution of higher education, a related or affiliated nonprofit entity, or a nonprofit or governmental research organization.

USCIS will begin accepting cap-subject H-1B petitions for FY 2012 on April 1, 2011 for a start date of October 1, 2011.

For more information, or if you have any questions regarding the issues discussed in this Immigration Alert, please contact any of the following attorneys:

Washington, D.C.

Eleanor Pelta	202.739.5050	epelta@morganlewis.com
Eric S. Bord	202.739.6040	ebord@morganlewis.com

San Francisco

A. James Vázquez-Azpiri	415.442.1343	ajvazquez@morganlewis.com
Lance Nagel	415.442.1345	lnagel@morganlewis.com

Now Available: *AILA's Focus on Immigration Practice Under AC21*

Written by Eleanor Pelta and A. James Vázquez-Azpiri, *AILA's Focus on Immigration Practice Under AC21* provides invaluable insight on the effect AC21 has had on the H-1B visa category. For more information, please visit www.ailapubs.org/ac21.html or call 1.800.982.2939 to order a copy.

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