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News Brief

April 14, 2008

UPDATE ON H-1B CAP CASE SELECTION

On Monday, April 14, U.S. Citizenship & Immigration Services (USCIS) conducted a computer-generated random selection process to select which of the 163,000 H-1B petitions filed within the permissible window for fiscal year 2009 would be rejected as falling outside the fiscal year cap of 65,000 visas.

USCIS conducted two random selections, first on petitions qualifying for the 20,000 advanced degree category, and second on the remaining advance degree petitions together with the Bachelor s degree petitions applying under the 65,000 cap.

USCIS will return unselected petitions to the petitioner or attorney-of-record, and will also return the accompanying fees. Petitions selected for full adjudication should receive receipt notices dated no later than June 2, 2008. USCIS optimistically estimates that H-1B petitions selected for processing will be adjudicated within eight to ten weeks of the April 14 lottery.

USCIS has wait-listed some H-1B petitions. These petitions are eligible to replace selected petitions that are subsequently denied, withdrawn, or otherwise found ineligible. USCIS will send a letter to the wait-listed petitioners, informing them of their status as such.

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