



Client Alert



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H-1B Visa Season Opens on April 1 – Employers, Are You Ready?

H-1B Visa Petitions for Fiscal Year 2014

The 2014 H-1B season will open on Monday, April 1, 2013 to an anticipated rise from recent years in the number of H-1B filings. All companies who wish to file H-1B visa petitions for their employees must act quickly to ensure their petitions are accepted under the “H-1B Cap.”

What is the H-1B Cap?

The U.S. government allots a total of 85,000 new H-1B visas for each fiscal year. Of this total number, 20,000 visas are reserved for professionals with a Master’s degree or higher from a U.S. college or university; the remaining 65,000 can be obtained by all other professionals who are deemed eligible for H-1B status. The overall annual quota of 85,000 new H-1B visas is known as the “H-1B Cap.”

For Fiscal Year 2013, the 65,000 H-1B visa quota was reached by June 11, 2012. The 20,000 H-1B visa quota (for professionals with Master’s degrees or higher from U.S. colleges or universities) was reached even earlier, on June 7, 2012. Experts forecast that Fiscal Year 2014’s H-1B quotas will be reached even sooner due to improvements in the U.S. economy.

What Employers Should Do to Prepare for H-1B Season

Employers should work closely with their contacts at AGG to determine whether individuals whom they wish to employ in H-1B status will be subject to the H-1B Cap. Once these individuals are identified, employers should communicate with AGG to determine what information and documents are needed to ensure their petitions are filed before the annual quotas are reached.

A Note about “Immigration Reform” and H-1B Visas

Many of you likely have heard that the President and members of the U.S. Congress are attempting to increase the annual H-1B visa quota. These changes have been proposed, but have not yet taken effect. AGG remains involved in this issue, and we will be sure to alert you to any foreseeable changes as they emerge. In the meantime, if you wish to provide feedback regarding proposed changes to U.S. immigration law, do not hesitate to let us know.



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AGG is Ready to Handle Your H-1B Needs

Until changes to U.S. law take effect, employers must prepare to operate under the current 65,000/20,000 quotas – and these quotas likely will be met quickly this year. We know the time-sensitivity and uncertainty of H-1B season can make it a stressful time for employers, so we are prepared to help you through every step of the process. Our team has decades of experience with successfully tackling the H-1B Cap each year, and we expect Fiscal Year 2014 to be no different.

Arnall Golden Gregory LLP serves the business needs of growing public and private companies, helping clients turn legal challenges into business opportunities. We don't just tell you if something is possible, we show you how to make it happen. Please visit our website for more information, www.agg.com.

This alert provides a general summary of recent legal developments. It is not intended to be, and should not be relied upon as, legal advice.