

# US Immigration Alert

## Closing of fiscal 2012 H-1B cap imminent

It's possible that the fiscal 2012 (FY12) H-1B petition cap could be met before the end of November.

As of 14 November 2011, US Citizenship and Immigration Services (USCIS) had received 56,300 H-1B cap-subject petitions for FY12. Earlier predictions estimated that the FY12 cap could be met by mid- to late December 2011. However, an unexpected surge in H-1B petitions filed in the last several weeks has had a significant impact on remaining available cap numbers, and it is possible that the cap could be met in the next one to two weeks.

Current US law limits the number of foreign nationals who may be issued an H-1B visa to 65,000. In addition, excluded from the cap are all H-1B non-immigrants who work at universities and non-profit research facilities. Laws also exempt up to 20,000 foreign nationals holding a master's or higher degree from US universities from the cap on H-1B visas. Extensions of H-1B status do not count toward the annual limits.

Once the H-1B cap has been met, companies can begin filing for FY13 on 1 April 2012 with an employment start date no sooner than 1 October 2012. Alternatively, there may be other work-authorized visa categories available for your foreign national employees.

If your company is considering filing an H-1B petition, please contact one of our immigration attorneys as soon as possible.

### Learn more

To learn more about this and other developments in US immigration, please contact a member of our team.

**James Egan, Partner, Practice Leader**  
416 943 2533 | james.p.egan@ca.ey.com

**George Reis, Partner**  
416 943 2535 | george.reis@ca.ey.com

**Batia Stein, Partner**  
416 943 3593 | batia.j.stein@ca.ey.com

**Alex Israel, Senior Manager**  
416 943 2698 | alex.d.israel@ca.ey.com

**Eric Gerstein, Senior Associate - Manager**  
416 943 5337 | eric.gerstein@ca.ey.com

**Lori Melton, Senior Associate - Manager**  
416 943 2044 | lori.s.melton@ca.ey.com

**Oliver Branch, Associate Attorney - Manager**  
416 943 3764 | oliver.branch@ca.ey.com

**Marwah Serag, Associate Attorney - Manager**  
416 943 2944 | marwah.serag@ca.ey.com

**Andres Zamberk, Associate Attorney - Manager**  
416 941 7764 | andres.zamberk@ca.ey.com

### Egan LLP

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