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BLOGS

Archives;Immigration

H-1B Lottery Should Serve as a Reminder of the Need to Increase the Annual Cap

As we previously [predicted](#), the United States Citizenship and Immigration Services (USCIS) received more new H-1B petitions during the first week of April 2014 than there are visa numbers available for Fiscal Year (FY) 2015. USCIS received approximately 172,500 petitions for FY 2015, which is more than double the annual limit of 65,000 regular H-1B visas and the additional 20,000 visa numbers reserved for individuals who hold advanced degrees from U.S. institutions.

USCIS has already conducted a random computer-generated lottery of all of those petitions to determine which petitions will be selected for processing. The petitions that were not selected in the lottery process will be returned, along with the filing fees, to the petitioning employer or its attorney representative in the coming days. USCIS has already begun issuing receipts for premium processing petitions that have been selected for review and will begin premium processing of FY 2015 H-1B petitions by April 28th.

As long as the demand for skilled foreign professionals remains high, we will likely continue to see the H-1B cap exhausted within the first week of filing. Although the Senates June 2013 [Immigration Bill](#) and a [bill](#) approved by the House Judiciary Committee around the same time both contained provisions to increase the annual H-1B cap, the H-1B cap issues have not yet been considered apart from the controversial issue of comprehensive immigration reform. Who knows, though, maybe this years lottery experience will prompt lawmakers to finally move forward with H-1B reform.