



23,323 H-1B Cap Cases Received as of April 4, 2012

On Thursday, April 5, 2012, U.S. Citizenship & Immigration Services (CIS) published an update on the number of H-1B visa petitions received in the first week petitions were accepted under the FY-2013 H-1B Regular Quota and the Advanced Degree Quota.

As of Wednesday, April 4th, the CIS had received approximately 23,323 H-1B petitions that were subject to the FY-2013 H-1B quota. The CIS has estimated that approximately 25% of the petitions received qualify under the Advanced Degree exempt quota of 20,000. The annual H-1B quota is 65,000, which does not include up to 20,000 “exempt” filings on behalf of graduates of U.S. advanced degree programs.

As compared with the same time last year, these numbers represent approximately double the demand. Employers are encouraged to identify likely H-1B candidates and initiate H-1B petitions as soon as possible. The next major spike in filings against the quota is likely to occur following the spring graduation of Bachelor’s and Master’s Degree students in May, as graduates are then able to document their eligibility by producing final transcripts and diplomas. Employers who have current F-1 student employees with Optional Practical Training (OPT) Employment Authorization Documents (EAD cards) that will expire in the summer of 2012 should proceed *now* with H-1B filings in advance of the spring graduation rush. Filing before the EAD card expires also enables the employee to take advantage of “cap gap” coverage for continued employment eligibility through October 1, 2012.

Please contact your FosterQuan immigration attorney for more information or to initiate new H-1B petitions on behalf of new candidates. As always, FosterQuan will continue to monitor the CIS receipt of filings under the H-1B quotas and will make additional updates available via future Immigration Updates© and on our firm’s [website](#).