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**This Immigration Update<sup>®</sup> from FosterQuan, LLP contains important information regarding the following:**

**H-1B VISA USAGE CONTINUES STEADY INCREASE; H-1B CAP COULD BE REACHED BEFORE THE END OF NOVEMBER**

U.S. Citizenship & Immigration Services (CIS) has announced that, as of Friday, October 28<sup>th</sup>, the CIS had received approximately 49,200 H-1B petitions that were counted under the H-1B regular cap. The Advanced Degree exempt quota of 20,000 has already been reached, meaning all new H-1B cap petitions are counted under the regular H-1B cap.

The most recent releases of data on H-1B usage by CIS indicate a steady increase in cap-subject H-1B visa usage over the past several weeks, with usage reaching 3,000 last week. Should the H-1B visa usage continue at its current rate of weekly increase, we can expect that the H-1B cap may be reached before the end of November.

Because a Labor Condition Application (LCA) must be filed and certified by the DOL before an H-1B petition can be filed with U.S. CIS, it is no longer possible to prepare and file an H-1B petition within 2-3 days. Rather, the minimum lead time for preparation and filing of an H-1B petition is currently 7-10 days, including the 5 business days normally required for DOL certification of the LCA. Time is now of the essence to prepare and file new H-1B petitions. Please contact your FosterQuan immigration attorney to initiate new H-1B petitions right away.

As always, FosterQuan will continue to monitor the CIS receipt of filings under the H-1B quota and will make additional updates available via future Immigration Updates<sup>®</sup> and on our firm's [website](#).