



PROJECTIONS FOR H-1B CAP - COULD RUN OUT IN JUNE

On April 9, 2012, U.S. Citizenship & Immigration Services (USCIS) [announced](#) the number of H-1B petitions received to date for the FY2013 cap: 17,400 petitions under the 65,000 regular H-1B cap, and 8,200 petitions under the 20,000 H-1B U.S. Master’s Degree Exemption. This means that approximately 74% of regular H-1B petitions and about 59% of U.S. Master’s Degree Exemption petitions remain available.

There is reason to predict that the cap is very likely to be met earlier than it was in 2010 and 2011, assuming that the current rate of filings will continue. While the chart below indicates that the demand for cap-subject H-1B petitions is on a par with recent years, the number of petitions being initiated by many employers has not declined since the cap opened on April 2, 2012. Compare this to 2010 and 2011 when there was a sharp drop-off in the number of petitions being initiated immediately after the cap opened. This seems the most decisive factor making this year different from last and a key reason why early action is more critical now than before.

Furthermore, as the economy continues to display indications of recovery, the demand for H-1B petitions next year (FY 2014) could be competitive. Therefore, employers should consider filing petitions under the FY2013 cap as soon as possible to avoid potential challenges next year.

Using Historical Filing Data to Predict When the 2013 Cap Might Be Met

H-1B Fiscal Year	Number of Petitions Received	Date Cap Reached
FY 2013	As of April 9, 2012, USCIS had received approximately 17,400 H-1B petitions counting toward the 65,000 cap (about 26%), and approximately 8,200 towards the 20,000 cap exemption for individuals with advanced degrees (about 41%).	May 31, 2012 to June 30, 2012 <i>(ESTIMATED – as in prior years the cap can close abruptly and earlier than expected, so employers should not rely on these estimated dates).</i>
FY 2012	As of April 7, 2011, USCIS had received approximately 5,900 H-1B petitions counting toward the 65,000 cap (about 9%), and approximately 4,500 petitions toward the 20,000 cap exemption (about 22.5%) for individuals with advanced degrees.	Cap was reached November 23, 2011.