

New H-1B Cap Count: Inching toward Cap

Contributed by Jordana Hart
Monday, 02 November 2009

USCIS has reported that, as of October 25, 2009, approximately 52,800 H-1B cap-subject petitions had been filed. USCIS has approved sufficient H1-B petitions for aliens with advanced degrees to meet the exemption of 20,000 from the fiscal year 2010 cap. Any H1-B petitions filed on behalf of an alien with an advanced degree will now count toward the general H1-B cap of 65,000. Note that deducting the H-1B visas reserved for Chilean and Singaporean nationals under treaties with the U.S., the actual cap number is 58,200 H-1B visas.

USCIS states that it will continue to accept both cap-subject petitions and advanced degree petitions until a sufficient number of H-1B petitions have been received to reach the statutory limits, taking into account the fact that some of these petitions may be denied, revoked, or withdrawn.