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H-1B Applications Hit Record 233,000 In First Week

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Nearly 233,000 H-1B applications were filed with the U.S. Citizenship and Immigration Services (USCIS) in the first week of April. With only 85,000 H-1B visas available, nearly two-thirds of all applications will be rejected.

USCIS Lottery to Select Petitions

By statute, the number of H-1B visas is capped at 65,000 under the general category, with an additional 20,000 for applicants with advanced degrees. After the filing period began on April 1, USCIS received almost 233,000 H-1B petitions, almost three times the cap. To determine which applications will be accepted, USCIS uses a computer-generated lottery system. Beginning on April 13, USCIS first conducted the random selection process to fill the 20,000 advanced degreed visa allotment. Any advance degree petitions not selected in that lottery were put into the general lottery and became eligible for random selection for the 65,000 general H-1B visas. USCIS will begin issuing receipt notices for premium processing cases from April 27th to May 11th. We estimate receipt notices for H-1B petitions filed under regular processing will be issued between mid-May to mid-June. All unselected applications will be rejected and returned to the petitioner along with their filing fees.

Exempt Petitions Still Accepted

Certain petitions that are exempt from the cap will continue to be accepted and processed. This includes petitions for current H-1B visa holders who previously were counted against the cap. It includes petitions:

- to allow current H-1B workers to change employers
- to work concurrently in a second H-1B job
- to change the terms of a current H-1B worker's employment
- to extend the amount of time a current H-1B worker is permitted to stay in the United States.

Time to Raise the Cap?

With record numbers of applications for H-1B visas being filed each year, many organizations believe Congress needs to raise the cap. U.S. businesses, including many high tech companies, who need to hire foreign workers for their science, engineering, and computer programming positions are often frustrated when visa applications greatly exceed the cap, leaving their ability to hire highly skilled immigrants up to chance due to the random lottery process.

According to estimates from Compete America, a coalition representing universities, trade associations, and technology industry leaders like Microsoft, Google, Amazon, and Facebook, U.S. businesses lose about

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500,000 jobs each year because of the visa caps. The organization asserts that for every scientist and engineer who doesn't get to work in the U.S. because of the visa cap, an additional four jobs for U.S. workers are lost. They argue that the restraint on hiring highly skilled foreign workers limits economic growth and innovation.

Earlier this year, Senator Orrin Hatch, R-Utah, introduced the Immigration Innovation Act of 2015 (also called the I-Squared Act) which would raise the H-1B visa cap to 195,000 annually. Critics of the bill argue that U.S. colleges are graduating more scientists and engineers than can find work in their respective fields each year, so businesses should be looking to hire U.S. citizen graduates rather than foreign guest workers. Opponents also assert that H-1B workers lower the wages in technology and science fields. Given the current political climate in Washington, it is unlikely that the I-Squared Act, or other immigration reform bills, will pass anytime soon.

If you have questions about this or any other immigration issue, please contact me at or 801-799-5976.