

H-1B Crunch Time Is Upon Us; Act Now Or Be On The Sidelines Until 2016

Working Together

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With the United States job market continuing to recover slowly but steadily, and immigration reform legislation becoming an increasingly more distant possibility in the 114th Congress, it is extremely likely that H-1B visas for the upcoming fiscal year will be oversubscribed, and that there will be a lottery for the visas among those who apply in the first week of the application window. That means that employers with any intention of hiring candidates in the next year who will need work visas for professional positions should act immediately in order to be prepared to submit their petitions on April 1, 2015. After that date, it is unlikely visas will be available until 2016 except for positions with certain employers exempt from the annual H-1B quota, and for transfer H-1B candidates who already hold visas to work for other employers.

This issue is important even for employers who have recent graduates currently on their payrolls under optional practical training (“OPT”) arrangements that will not expire until after the opening of the 2016 petition window. Employers who hope to eventually keep those employees on by sponsoring them for H-1B visas when their student-visa OPT allotments run out should consider petitioning for H-1B visas now, in the 2015 process, so that they have at least two chances in the H-1B lottery. Waiting until the year in which an employee’s OPT authorization actually expires risks being forced to let him or her go if the worst happens in a single year’s drawing.

Filing at the opening of the application window will require preparing at least several weeks ahead of the actual submission to the Citizenship and Immigration Service, so 2015 H-1B crunch time is already upon us. Act now to avoid disappointment.

Tags: Immigration, Visas