



GMS Flash Alert

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United States - H-1B Cap Random Selection Process for FY2018 Is Complete

The United States Citizenship and Immigration Service (USCIS) announced on April 7, 2017, that it has received enough H-1B petitions to reach the statutory cap of 65,000 visas for fiscal year (FY) 2018.¹ USCIS has also received a sufficient number of H-1B petitions to meet the U.S. advanced degree exemption, also known as the “master’s cap.”

USCIS received 199,000 H-1B petitions during the filing period, which began April 3, including petitions filed for the advanced degree exemption.

WHY THIS MATTERS

On April 11, USCIS used a computer-generated random selection process, or lottery, to select enough petitions to meet the 65,000 general-category cap and the 20,000 cap under the advanced degree exemption. Immigration counsel and global mobility professionals charged with the immigration affairs of their international assignees should be aware that USCIS will reject and return all unselected petitions with their filing fees. Please note USCIS will deny or revoke multiple or duplicative petitions filed by an employer for the same H-1B worker and will not refund the filing fees.

Also, they should be aware that since the USCIS temporarily suspended premium processing, consequently:

- (1) petitioners will not be able to file Form I-907, *Request for Premium Processing Service for a Form I-129, Petition for a Nonimmigrant Worker* which requests the H-1B nonimmigrant classification; and
- (2) there may be delays to the processing of their petitions for H-1Bs.

Process for Selection

Using the computer-generated random selection system, the agency conducted the selection for the advanced degree exemption first. All unselected advanced degree petitions then became part of the random selection process for the 65,000 cap.

Status of Premium Processing for H-1B Petitions

As announced on March 3, 2017, USCIS has temporarily suspended premium processing – starting April 3, 2017 – for all H-1B petitions, including cap-exempt petitions, for up to six months.² USCIS will continue to accept and process petitions that are otherwise exempt from the cap. Petitions filed on behalf of current H-1B workers who have been counted previously against the cap will also not be counted towards the congressionally-mandated FY 2018 H-1B cap. According to the announcement, USCIS will continue to accept and process petitions filed to:

- extend the amount of time a current H-1B worker may remain in the United States;
- change the terms of employment for current H-1B workers;
- allow current H-1B workers to change employers; and
- allow current H-1B workers to work concurrently in a second H-1B position.

FOOTNOTES:

1 To access the April 7, 2017 announcement, [click here](#).

2 To access the March 3, 2017 announcement, [click here](#).

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or the following professional with the KPMG International member firm in Canada:



Charlene Quincey

U.S. Immigration Practice Leader
KPMG Law LLP – Tax + Immigration, Canada
Tel. +1-416-943-0288 x266
cquincey@kpmglaw.ca

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