



U.S. Citizenship and Immigration Services

USCIS Will Accept H-1B Petitions for Fiscal Year 2016 Beginning April 1, 2015

Release Date: March 12, 2015

Petitioners are Reminded to Follow Regulatory Requirements

Update on April 6, 2015: [Delivery Service Error Guidance for FY16 H-1B Cap Filings](#)

WASHINGTON – On April 1, 2015, U.S. Citizenship and Immigration Services (USCIS) will begin accepting H-1B petitions subject to the fiscal year (FY) 2016 cap. U.S. businesses use the H-1B program to employ foreign workers in occupations that require highly specialized knowledge in fields such as science, engineering and computer programming.

The congressionally mandated cap on H-1B visas for FY 2016 is 65,000. The first 20,000 H-1B petitions filed for individuals with a U.S. master's degree or higher are exempt from the 65,000 cap.

USCIS expects to receive more petitions than the H-1B cap during the first five business days of this year's program. The agency will monitor the number of petitions received and notify the public when the H-1B cap has been met. If USCIS receives an excess of petitions during the first five business days, the agency will use a lottery system to randomly select the number of petitions required to meet the cap. USCIS will reject all unselected petitions that are subject to the cap as well as any petitions received after the cap has closed. USCIS used the lottery for the FY 2015 program last April.

Premium Processing for Cap-Subject Petitions

H-1B petitioners may still continue to request premium processing together with their H-1B petition. However, please note that USCIS has temporarily adjusted its current premium processing practice based on historic premium processing receipt levels and the possibility that the H-1B cap will be met in the first five business days of the filing season. In order to prioritize data entry for cap subject H-1B petitions, USCIS will begin premium processing for H-1B cap-subject petitions requesting premium processing no later than May 11, 2015.

Filing Petitions

H-1B petitioners are reminded that when the temporary employment or training will be in different locations, the state where your company or organization's primary office is located will determine the appropriate Service Center to which you should send your Form I-129 package, regardless of where in the United States the various worksites are located. Please ensure that when temporary employment or training will be in different locations, the address on page 1, part 1 of Form I-129 is for your organization's primary office. Please note that when listing a "home office" as a work site location on Part 5, question 3, USCIS will consider this a separate and distinct work site location.

H-1B petitioners must follow all statutory and regulatory requirements as they prepare petitions, in order to avoid delays in processing and possible requests for evidence. USCIS has developed detailed information, including an optional checklist, [Form M-735, Optional Checklist for Form I-129 H-1B Filings \(PDF, 278 KB\)](#), on how to complete and submit an FY 2016 H-1B petition.

Cases will be considered accepted on the date USCIS takes possession of a properly filed petition with the correct fee. For more information on the H-1B nonimmigrant visa program and current Form I-129 processing times, visit the H-1B FY 2016 Cap Season Web page or call the National Customer Service Center at 800-375-5283 or 800-767-1833 (TDD for the hearing impaired). We encourage H-1B applicants to subscribe to the H-1B Cap Season email updates located on the [H-1B 2016 Cap Season Web page](#).

For more information on USCIS and its programs, please visit uscis.gov or follow us on Facebook ([/uscis](#)), Twitter ([@uscis](#)), YouTube ([/uscis](#)) and the USCIS blog [The Beacon](#).

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